



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: September 21, 2010

AGENDA TITLE:

Items related to SmartRegs:

- 1) Third reading and consideration of a motion to adopt ordinance No. 7724 repealing and reenacting Chapter 10-2, "Housing Code" B.R.C. 1981 to adopt by reference, the 2009 edition of the International Property Maintenance Code (IPMC) with certain amendments and deletions and setting forth related details.
- 2) Third reading and consideration of a motion to adopt ordinance No. 7725 amending Section 4-20-18, "Rental License Fee," and Chapter 10-3, "Rental Licenses," B.R.C. 1981, to provide for comprehensive enforcement of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, through a system of rental licenses for all dwelling and rooming accommodations in the city rented to tenants and setting forth related details.
- 3) Third reading and consideration of a motion to adopt ordinance No. 7726 amending Chapter 4-4, "Building Contractor License," Chapter 4-20, "Fees," Chapter 10-1, "Definitions," Chapter 10-2, "Property Maintenance Code," and Chapter 10-3, "Rental Licenses," B.R.C. 1981 regarding energy conservation for existing residential rental structures, and setting forth related details.

PRESENTERS:

Jane S. Brautigam, City Manager
Paul J. Fetherston, Deputy City Manager

Department of Public Works

Maureen Rait, Executive Director
Neil Poulsen, Chief Building Official
Kirk Moors, Senior Plans Examiner

Department of Community Planning and Sustainability

David Driskell, Executive Director
Mary Ann Weideman, Acting Deputy Director of Operations
Kara Mertz, Local Environmental Action Manager
Yael Gichon, Residential Sustainability Coordinator
James Hewat, Historic Preservation Planner

Department of Housing and Human Services

Karen Rahn, Director
Jeff Yegian, Community Development Program Manager

EXECUTIVE SUMMARY:

The purpose of this memo is to provide a brief summary of the Sept. 7 City Council meeting related to the SmartRegs proposal and outline next steps. The SmartRegs proposal includes recommended changes to Boulder's Housing Code and Rental License Code and incorporates energy efficiency requirements as part of the code updates to address Climate Action Plan (CAP) objectives.

Based on the Sept. 7 public hearing and second reading discussions, staff proposes the code amendments described below to update the general provisions of the Housing Code and Rental License Code, as well as to add an energy efficiency requirement to the rental licensing program:

Housing Code

- Adopt Ordinance No. 7724 to repeal and reenact Chapter 10-2, "Housing Code" B.R.C. 1981 to adopt by reference, the 2009 edition of the International Property Maintenance Code (IPMC) with certain amendments and deletions and setting forth related details. (**Attachment A**)

Rental License Code

- Adopt Ordinance No. 7725 to amend Section 4-20-18, "Rental License Fee," and Chapter 10-3, "Rental Licenses," B.R.C. 1981, to provide for comprehensive enforcement of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, through a system of rental licenses for all dwelling and rooming accommodations in the city rented to tenants and setting forth related details. (**Attachment B**)

Energy Efficiency Code

- Adopt Ordinance No. 7726 to amend Chapters 4-4, "Building Contractor License," Chapter 4-20, "Fees," Chapter 10-1, "Definitions," Chapter 10-2, "Property Maintenance Code," and Chapter 10-3, "Rental Licenses," B.R.C. 1981 regarding energy conservation for existing residential rental structures, and setting forth related details. (**Attachment C**)

Due to substantive changes to the ordinances since first reading, and the subsequent acceptance of the proposed amendments at second reading, a third reading is being held. The proposed implementation date is Jan. 3, 2011, with an energy efficiency compliance date of Jan. 2, 2019 for all rental properties in the City of Boulder. Additionally, due to the complexity of the three amended ordinances, an ordinance including further refinements will be scheduled for Council consideration in November.

Further, a study session is proposed for April 2011 to address issues related to administration and enforcement of the rental license code. This may be in combination with the first SmartRegs energy efficiency compliance report to Council proposed for the same time period.

STAFF RECOMMENDATION:

Suggested Motion Language:

Staff requests Council consideration of this matter and action in the form of the following motions:

Housing Code

Motion to adopt Ordinance No. 7724, repealing and reenacting Chapter 10-2, "Housing Code" B.R.C. 1981 to adopt by reference, the 2009 edition of the International Property Maintenance Code (IPMC) with certain amendments and deletions and setting forth related details.

Rental License Code

Motion to adopt Ordinance No. 7725, amending Section 4-20-18, "Rental License Fee," and Chapter 10-3, "Rental Licenses," B.R.C. 1981, to provide for comprehensive enforcement of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, through a system of rental licenses for all dwelling and rooming accommodations in the city rented to tenants and setting forth related details.

Energy Efficiency Code

Motion to adopt Ordinance No. 7726, amending Chapters 4-4, "Building Contractor License," Chapter 4-20, "Fees," Chapter 10-1, "Definitions," Chapter 10-2, "Property Maintenance Code," and Chapter 10-3, "Rental Licenses," B.R.C. 1981 regarding energy conservation for existing residential rental structures, and setting forth related details.

SEPT. 7 MEETING SUMMARY:

On Sept. 7, three amended ordinances were considered to update the general provisions of the Housing Code and Rental License Code, as well as to add an energy efficiency requirement to the rental licensing program. The Sept. 7 second reading materials are located at www.bouldercolorado.gov/smartregs (select Current/Past Meetings). Staff presented information related to the three ordinances and Scot Woolley, Environmental Advisory Board representative, presented the board's recommendation. Seventeen speakers addressed this item in the public hearing. After the public hearing was closed, Council requested a staff response to clarifying questions and approved a motion to adopt the three ordinances as amended, substituting the prescriptive list as presented on Sept. 7 and requesting program progress reports every other month beginning in April 2011. The motion was approved as amended 8-0; K.C. Becker absent. Due to substantive changes to the ordinances since first reading, and the subsequent acceptance of the proposed amendments at second reading, a third reading is being held on Sept. 21.

BACKGROUND:

The Background, Community Sustainability Assessments and Fiscal Impacts; Board, Community Working Group, and Public Feedback; and, Analysis for the SmartRegs proposal were provided in the May 18, June 1, July 6 and Sept. 7 memorandums located at www.bouldercolorado.gov/smartregs (select Current/Past Meetings). Additional feedback received after Aug. 19 is included in **Attachment D**.

NEXT STEPS:

The proposed ordinances will go into effect on Jan. 3, 2011; a time frame which will facilitate implementation work such as: public notice; updating application materials, the handbook, the

licensing database, and the Web; preparing and scheduling training workshops, and allowing additional time for workforce development.

Due to the complexity of the three amended ordinances, an ordinance including further refinements will be scheduled for Council consideration in November. Additionally, to address issues related to administration and enforcement of the rental license code a study session is proposed to be scheduled in April 2011. This may be in combination with the first energy efficiency compliance report to Council proposed for the same time period.

Staff will begin reporting the status of energy efficiency compliance to Council on an every other month basis beginning in April 2011 and will provide an Annual Report in April 2012.

The development of a Commercial Energy Conservation Ordinance (CECO) is also being analyzed and will be scheduled for Council consideration in 2011.

ATTACHMENTS:

- Attachment A: Ordinance 7724 to Adopt International Property Maintenance Code (IPMC)
- Attachment B: Ordinance 7725 to Update Rental License Code
- Attachment C: Ordinance 7726 to Adopt Energy Efficiency Code
- Attachment D: Public Correspondence Received After August 19

ORDINANCE NO. 7724

AN ORDINANCE REPEALING AND REENACTING CHAPTER 10-2, "HOUSING CODE" B.R.C. 1981 TO ADOPT BY REFERENCE, THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC) WITH CERTAIN AMENDMENTS AND DELETIONS AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. Chapter 10-2, "Housing Code," B.R.C. 1981 is repealed and reenacted to read:

Chapter 10-2 Property Maintenance Code

10-2-1 Legislative Intent.

The purpose of this chapter is to protect the public health, safety and general welfare of the residents of the city by regulating existing residential rental and privately occupied residential structures and to promote conservation and the efficient use of energy. The City Council hereby adopts the 2009 edition of the International Property Maintenance Code as the Property Maintenance Code of the City of Boulder. This chapter establishes minimum code standards related to: administration; definitions; general requirements; light, ventilation and occupancy limitations; plumbing facilities and fixture requirements; mechanical and electrical systems; fire safety requirements; rental licensing and existing residential rental structure energy conservation.

10-2-2 Adoption of the International Property Maintenance Code with Modifications.

- (a) The 2009 edition of the International Property Maintenance Code (IPMC) of the International Code Council is hereby adopted by reference as the City of Boulder Property Maintenance Code and has the same force and effect as though fully set forth in this chapter, except as specifically amended for local application by this chapter.
- (b) IPMC Appendix chapters A, "Boarding Standard," and B, "Rental Housing Inspections," ~~C "Existing Residential Rental Structures Energy Conservation," and sections contained therein~~ are adopted.
- (c) For ease of reference, the following identifies all chapters, sections and appendices of the published and adopted IPMC and includes specific amendments for local application. Chapter, Section, Subsection or Appendix numbers of provisions not amended appear, followed by the words, "No changes." The amended text of specifically amended provisions appears below. Chapter, Section, Subsection or Appendix numbers of any provisions not adopted appear, followed by the word, "Deleted."

1 **CHAPTER 1**
2 **SCOPE AND ADMINISTRATION**

3 **PART 1 - SCOPE AND ADMINISTRATION**

4 **SECTION 101**
5 **GENERAL**

6 **101.1 Title.** These regulations shall be known as the ~~International~~ Property Maintenance Code of
7 ~~[NAME OF JURISDICTION]~~ the City of Boulder, hereinafter referred to as “this code.”

8 **101.2 Scope.** ~~The provisions of this~~ This code shall apply to all existing residential ~~and~~
9 ~~nonresidential~~ structures and all existing residential premises and constitute minimum
10 requirements and standards for premises, structures, equipment and facilities for light,
11 ventilation, space, heating, sanitation, energy conservation, protection from the elements, life
12 safety, safety from fire and other hazards, and for safe and sanitary maintenance; this code also
13 specifies the responsibility of the owners, operators and occupants related to code compliance;
14 the occupancy of existing structures and premises, and provides for administration, licensing,
15 enforcement and penalties.

16 **101.2.1 Application of Rental Licenses Code.** Existing residential structures utilized as
17 rental properties will also be subject to the requirements of cChapter 10-3, “Rental
18 Licenses,” B.R.C. 1981.

19 **101.3 Intent.** This code shall be construed to secure its expressed intent, which is to ensure
20 public health, safety and welfare insofar as they are affected by the continued occupancy and
21 maintenance of structures and premises. Except as provided below, Existing existing structures
22 and premises that do not comply with these provisions shall be altered or repaired to provide a
23 minimum level of health and safety as required herein. Existing structures and premises that
24 comply with all applicable codes in force at the time of construction will be deemed to comply
25 with this code except where the code official determines that deviations from this code pose a
26 danger to the health, safety or welfare of the public or occupants, and issues an order for the
27 owner to correct those specific conditions or alterations.

28 **101.4 Severability.** No changes.

29 **SECTION 102**
30 **APPLICABILITY**

31 **102.1 General.** No changes.

32 **102.2 Maintenance.** Equipment, systems, devices and safeguards required by this code ~~or a~~
33 ~~previous regulation or~~ shall be maintained in accordance with the code under which in effect
34 when the structure or premises was legally constructed, altered or repaired and shall be
35 maintained in good working order. No owner, operator or occupant shall cause any service,
36 facility, equipment or utility which is required under this section to be removed from or shut off

1 from or discontinued for any occupied dwelling, except for such temporary interruption as
2 necessary while repairs or alterations are in progress. The requirements of this code are not
3 intended to provide the basis for removal or abrogation of fire protection and safety systems and
4 devices in existing structures. Except as otherwise specified herein, the owner or the owner's
designated agent shall be responsible for the maintenance of buildings, structures and premises.

5 **102.3 Application of Other Codes.** Repairs, additions or alterations to a structure, inspections
6 or changes of occupancy, shall be done in accordance with the procedures and provisions of the
7 InternationalCity of Boulder Building Code, InternationalCity of Boulder Residential Code, City
8 of Boulder Fuel Gas Code, InternationalCity of Boulder -Mechanical Code, City of Boulder
9 Plumbing Code, City of Boulder Fire Prevention Code, NFPA 70. Nothing in this code shall be
10 construed to cancel, modify or set aside any provision of International ZoningCity of Boulder
11 Energy Conservation and Insulation Code and City of Boulder Electrical Code.

12 **102.4 - 102.10** No changes.

13 **PART 2 – ADMINISTRATION AND ENFORCEMENT**

14 **SECTION 103**

15 **DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION**

16 **DIVISION OF BUILDING SAFETY**

17 **103.1 General.** The department of property maintenance inspection is hereby created and the

18 “Division of Building Safety” means the administrative unit established by the city manager or
19 the manager’s delegates, and the personnel assigned to the unit by the manager. The Division of
20 Building Safety administers the Property Maintenance Code. The executive official in charge
21 thereof shall be known as the- of the Division of Building Safety is the code official.

22 **103.2 Appointment.** The code official shall be appointed by the chief appointing authority of the
23 jurisdiction.

24 **103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the
25 concurrence of the appointing authority, the code official shall have the authority to appoint a
26 deputy(s). Such employees shall have powers as delegated by the code official.

27 **103.4 Liability.** The code official, member of the board of appeals or employee charged with the
28 enforcement of this code, while acting for the jurisdiction, in good faith and with out malice in
the discharge of the duties required by this code or other pertinent law or ordinance, shall not
thereby be rendered liable personally, and is hereby relieved from all personal liability for any
damage accruing to persons or property as a result of an act or by reason of an act or omission in
the discharge of official duties. Any suit instituted against any officer or employee because of an
act performed by that officer or employee in the lawful discharge of duties and under the
provisions of this code shall be defended by the legal representative of the jurisdiction until the
final termination of the proceedings. The code official or any subordinate shall not be liable for
costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

Neither the city nor any employee of the city who enforces, attempts to enforce, or is authorized to enforce this code, or any related provisions or reviews under the Boulder Revised Code, shall be liable to third parties for any damage or injury to person or property as a result of enforcement or non-enforcement. The city assumes no duty of care by the adoption of this code or any related provisions or reviews under the Boulder Revised Code. No person is justified in relying upon the results of an inspection and such inspections are not a guarantee that the premises so approved, inspected and licensed in fact complies with all the requirements of this code or any related provisions or reviews under the Boulder Revised Code. It is the duty of the persons owning and controlling any building or structure to ensure that the building is maintained in accordance with the requirements of this code, and it is such persons, and not the city, who are responsible for damages caused by breach of such duty.

103.5 Fees. The fees and costs for activities and services performed by the department in carrying out its responsibilities under this code shall be as ~~indicated in the following schedule,~~ detailed in section 111 of this code and section 4-20-47, “Zoning Adjustment and Building Appeals Filing Fees,” B.R.C. 1981.

SECTION 104

DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The code official is hereby authorized and directed to enforce the provisions of this code— and chapter 10-3, “Rental Licenses,” B.R.C. 1981. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Inspections. No changes.

104.3 Right of Entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code and as necessary to effect compliance with the provisions of this code and chapter 10-3, “Rental Licenses,” B.R.C. 1981, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

104.4 - 104.6 No changes.

104.7 Clerk and Recorder Notices. When the code official finds that there is a violation of this code a notice to that effect may be filed with the Boulder County Clerk and Recorder against the

1 title of the land upon which the dwelling or structure is built. The code official shall inform the
2 property owner of this action in advance, in writing according to section 107, allowing adequate
3 time to correct the violation. When the condition upon which the notice described in the record
4 was based has been corrected, the code official shall provide a written release.

5 **104.8 Authority to Issue Rules.** The code official may adopt reasonable rules to implement the
6 provisions of this code pursuant to chapter 1-4, "Rulemaking," B.R.C. 1981.

7 **SECTION 105**

8 **APPROVAL**

9 **105.1 – 105.6** No changes.

10 **SECTION 106**

11 **VIOLATIONS**

12 **106.1- 106.3** No changes.

13 **106.4 Violation Penalties.** Any person who shall violate a provision of this code, or fail to
14 comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits
15 provided by state or local laws. Each day that a violation continues after due notice has been
16 served shall be deemed a separate offense. Violations of this code are punishable as provided in
17 sections 9-15-3 through 9-15-5, of chapter 9-15, "Enforcement," B.R.C. 1981.

18 **106.5 Abatement of Violation.** No changes.

19 **SECTION 107**

20 **NOTICES AND ORDERS**

21 **107.1 Notice to Person Responsible.** No changes.

22 ~~(1)~~**107.2 Form.** ~~Such notice prescribed in Section 107.1 shall be in accordance with all of the~~
23 ~~following:~~ Except in those instances where section 308, "RUBBISH AND GARBAGE," or
24 section 309, "PEST ELIMINATION," applies or if a violation of chapter 10-3, "Rental
25 Licenses," B.R.C. 1981, is alleged, whenever the code official determines that there is or has
26 been a violation of any provision of this code, notice shall be given of such determination to the
27 person responsible to correct the violation. The notice shall:

- 28 1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.

5. Inform the property owner of the right to appeal.
6. Include a statement of the right to file a lien in accordance with section 106.3.

107.3 Method of Service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or ~~first-class~~ registered mail addressed to the owner at the last known address with return receipt requested; or
3. Delivered in any other manner as prescribed by law. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

107.4 - 107.5 No changes.

~~107.6 Deleted Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.~~

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

108.1 – 108.7 No changes.

SECTION 109 EMERGENCY MEASURES

109.1 – 109.6 No changes.

SECTION 110 DEMOLITION

110.1 – 110.4 No changes.

**SECTION 111
MEANS OF APPEAL**

111.1 Application for Appeal. Any person directly affected by a decision of the code official or a notice ~~or~~and order issued under this code shall have the right to appeal to the board of appeals, provided ~~that under the procedures prescribed by chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981,~~ if a written application for appeal is filed with the code official within 10 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

111.2 Membership of Board .-The board of appeals shall consist of the Board of Building Appeals, established under section 2-3-4, "Board of Building Appeals," B.R.C. 1981, unless the city manager determines, due to the nature of the issues in a particular appeal, to appoint a hearing officer under section 1-3-5, "Hearings and Determinations," B.R.C. 1981, ~~a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.~~

111.2.1 Alternate Members. Deleted. ~~The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.~~

111.2.2 Chairman. Deleted. ~~The board shall annually select one of its members to serve as chairman.~~

111.2.3-Disqualification of Member. Deleted ~~A member shall not hear an appeal in which that member has a personal, professional or financial interest.~~

111.2.4-Secretary. Deleted ~~The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.~~

111.2.5-Compensation of Members. Deleted. ~~Compensation of members shall be determined by law.~~

111.3 Notice of Meeting. Deleted ~~The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.~~

111.4 Open Hearing. Deleted ~~All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board member ship.~~

111.4.1 Procedure. Deleted ~~The board shall adopt and make avail able to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.~~

111.5 Postponed Hearing. Deleted When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

111.6 Board Decision. Deleted. The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

111.6.1 Records and Copies. Deleted The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

111.6.2 Administration. Deleted The code official shall take immediate action in accordance with the decision of the board.

111.7 Court Review. Deleted Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

111.8 Stays of Enforcement. Deleted Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

111.9 Fees. The fee for filing an appeal is that prescribed by section 4-20-47, "Zoning Adjustment and Building Appeals Filing Fees," B.R.C. 1981.

SECTION 112 STOP WORK ORDER

112.1 – 112.3 No changes.

112.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be ~~liable~~ subject to a fine of not less than [Amount] dollars or more than [Amount] dollars. the "Violation Penalties" as detailed in section 106.4.

CHAPTER 2 DEFINITIONS

SECTION 201 GENERAL

201.1 – 201.5 No changes

SECTION 202 GENERAL DEFINITIONS

(No changes except as follows)

CODE OFFICIAL. ~~The official who is city manager and any city manager's delegate charged with the administration and enforcement of this code, or any duly authorized representative.~~

KITCHEN SINK. A kitchen sink shall be no smaller than twenty inches by sixteen inches, with a minimum uniform depth of six inches and a maximum uniform depth of twenty inches. Laundry tubs, lavatory basins, or bathtubs are not acceptable substitutes for required kitchen sinks.

CHAPTER 3 GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 – 301.3 No changes

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 – 302.3 No changes.

302.4 Weeds. ~~All premises and exterior property shall be maintained free from weeds or plant growth in excess of (jurisdiction to insert height in inches). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. Weed control is regulated and enforced under chapter 6-2, “Weed Control,” B.R.C. 1981.~~

302.5 Rodent Harborage. ~~All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation. Rodent control is regulated and enforced under chapter 6-5, “Rodent Control,” B.R.C. 1981.~~

302.6 – 302.7 No changes.

302.8 Motor Vehicles. Motor vehicle parking and storage are regulated by Title 7, “Regulation of Vehicle, Pedestrian and Parking,” B.R.C. 1981. ~~Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being~~

1 ~~stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved~~
2 ~~spray booth.~~

3 ~~—— **Exception:** A vehicle of any type is permitted to undergo major overhaul, including body~~
4 ~~work, provided that such work is performed inside a structure or similarly enclosed area~~
5 ~~designed and approved for such purposes.~~

6 **302.9 Defacement of Property.** ~~No person shall willfully or wantonly damage, mutilate or~~
7 ~~deface any exterior surface of any structure or building on any private or public property by~~
8 ~~placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to~~
9 ~~restore said sur face to an approved state of maintenance and repair. Graffiti control is regulated~~
10 ~~and enforced under chapter 5-4-14, “Graffiti Prohibited,” B.R.C. 1981.~~

11 **SECTION 303**

12 **SWIMMING POOLS, SPAS AND HOT TUBS**

13 **303.1 – 303.2** No changes.

14 **SECTION 304**

15 **EXTERIOR STRUCTURE**

16 **304.1 General.** No changes.

17 **304.2 Protective Treatments.** Deleted.

18 ~~All exterior surfaces, including but not limited to, doors, door and window frames, cornices,~~
19 ~~porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood~~
20 ~~surfaces, other than decay resistant woods, shall be protected from the elements and decay by~~
21 ~~painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be~~
22 ~~eliminated and sur faces repainted. All siding and masonry joints, as well as those between the~~
23 ~~building envelope and the perimeter of windows, doors and skylights, shall be maintained~~
24 ~~weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to~~
25 ~~inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and~~
26 ~~coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior~~
27 ~~surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.~~

28 **304.3 Premises identification.** No changes.

304.4 Structural members. No changes.

304.5 Foundation walls. No changes.

304.6 Exterior walls. No changes.

304.7 Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good

1 repair and free from obstructions. Roof water shall not be discharged in a manner that creates a
2 public nuisance.

3 **304.8 Decorative Features.** No changes.

4 **304.9 Overhang Extensions.** All overhang extensions including, but not limited to canopies,
5 marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained
6 in good repair and be properly anchored so as to be kept in a sound condition. ~~When required, all~~
7 ~~exposed surfaces of metal or wood shall be protected from the elements and against decay or rust~~
8 ~~by periodic application of weather-coating materials, such as paint or similar surface treatment.~~

9 **304.10 Stairways, Decks, Porches and Balconies.** No changes.

10 **304.11 Chimneys and Towers.** Deleted. ~~Chimneys and towers. All chimneys, cooling towers,~~
11 ~~smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in~~
12 ~~good repair. All exposed surfaces of metal or wood shall be protected from the elements and~~
13 ~~against decay or rust by periodic application of weather-coating materials, such as paint or~~
14 ~~similar surface treatment.~~

15 **304.12 Handrails and Guards.** No changes.

16 **304.13 Window, Skylight and Door Frames.** No changes.

17 **304.13.1, Glazing.** Deleted ~~Glazing. All glazing materials shall be maintained free from~~
18 ~~cracks and holes.~~

19 **304.13.2. Openable Windows.** Deleted ~~Openable windows. Every window, other than a~~
20 ~~fixed window, shall be easily openable and capable of being held in position by window~~
21 ~~hardware.~~

22 **304.14. Insect Screens.** Deleted. ~~During the period from [to [every door, window and other~~
23 ~~outside opening required for ventilation of habitable rooms, food preparation areas, food service~~
24 ~~areas or any areas where products to be included or utilized in food for human consumption are~~
25 ~~processed, manufactured, packaged or stored shall be supplied with approved tightly fitting~~
26 ~~screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for~~
27 ~~insect control shall have a self-closing device in good working condition.~~

28 ~~Exception: Screens shall not be required where other approved means, such as air~~
29 ~~curtains or insect _____ repellent fans, are employed:~~

30 **304.15 Doors.** No changes.

31 **304.16 Basement Hatchways.** No changes.

1 **304.17 Guards for Basement Windows.** Deleted. ~~Guards for basement windows. Every~~
2 ~~basement window that is openable shall be supplied with rodent shields, storm windows or other~~
3 ~~approved protection against the entry of rodents.~~

4 **304.18 Building Security.** Doors, windows or hatchways for dwelling units, room units or
5 housekeeping units shall be provided with devices designed to provide security for the occu
6 pants and property within.

7 ~~304.18.1 Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping~~
8 ~~unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be~~
9 ~~readily openable from the side from which egress is to be made without the need for~~
10 ~~keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25~~
11 ~~mm). Such deadbolt locks shall be installed according to the manufacturer's~~
12 ~~specifications and maintained in good working order. For the purpose of this section, a~~
13 ~~sliding bolt shall not be considered an acceptable deadbolt lock.~~

14 ~~304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828~~
15 ~~mm) above ground level or a walking surface below that provide access to a dwelling~~
16 ~~unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with~~
17 ~~a window sash locking device.~~

18 ~~304.18.3 Basement hatchways. Basement hatchways that provide access to a dwelling~~
19 ~~unit, rooming unit or house keeping unit that is rented, leased or let shall be equipped~~
20 ~~with devices that secure the units from unauthorized entry.~~

21 SECTION 305

22 INTERIOR STRUCTURE

23 **305.1 General.** No changes.

24 **305.1.1 Unsafe Conditions.** The following conditions shall be determined as unsafe and shall be
25 repaired or replaced to comply with the International City of Boulder Building Code or the
26 International Building Code as required for existing buildings:

- 27 1. The nominal strength of any structural member is exceeded by nominal loads, the
28 load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns
to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including guards and
handrails, are not structurally sound, not properly anchored or are anchored with
connections not capable of supporting all nominal loads and resisting all load
effects;

6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

305.2 Structural Members. No changes.

305.3 Interior Surfaces. Deleted. ~~Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.~~

305.4 – 305.6 No changes.

SECTION 306 COMPONENT SERVICEABILITY

306.1 & 306.1.1 No changes.

SECTION 307 HANDRAILS AND GUARDRAILS

307.1 General. Every exterior and interior flight of stairs having four or more ~~than four~~ risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) high above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

SECTION 308 RUBBISH AND GARBAGE

308.1 Accumulation of Rubbish or Garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish ~~or~~ and garbage ~~as required by chapter 6-3, "Trash, Recyclables and Compostables," B.R.C. 1981.~~

308.2 Disposal of Rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers ~~as required by chapter 6-3, "Trash, Recyclables and Compostables," B.R.C. 1981.~~

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for ~~extermination~~the eradication.

309.6 Pre-application Pesticide Notification. No operator or occupant shall fail to comply with the pre-application pesticide notification provisions of section 6-10-7, “Notification to Tenants and Employees of Indoor Application,” B.R.C. 1981.

SECTION 310 **FLOODPLAIN SAFETY SIGNAGE**

310.1 General. The owner and operator of every property located in the floodplain as detailed in chapter 9-3-3 (a) (10), B.R.C. 1981, shall post and maintain on the exterior of the premises at the entrance a sign approved by the code official stating that the property is subject to flood hazard in accordance with the following:

1. The sign shall state: “This property is located in an area subject to sudden and severe flooding. In case of flood emergency be prepared to seek high ground immediately. For information go to www.boulderfloodinfo.net” or similar language.
2. The sign shall be a metal plaque with minimum ¼ inch letters in a contrasting color attached with non-removable fasteners on the exterior of the structure at the entrance.

CHAPTER 4 **LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS**

SECTION 401 **GENERAL**

401.1 – 401.3 No changes.

SECTION 402 **LIGHT**

402.1 – 402.3 No changes.

SECTION 403 **VENTILATION**

403.1 Habitable Spaces. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

Exceptions:

1. Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.
2. In R-3 occupancies the glazed area need not be openable, where the opening is not required to be an emergency escape and rescue opening, and an approved mechanical ventilation system capable of producing 0.35 air changes per hour in the room is provided.

403.2 Bathrooms and Toilet Rooms. Deleted Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking Facilities. Deleted Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions:

1. Where specifically approved in writing by the code official.

2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process Ventilation. Deleted Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes Dryer Exhaust. No changes.

SECTION 404 OCCUPANCY LIMITATIONS

404.1 – 404.7 No changes.

CHAPTER 5 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

No changes.

CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601

No changes.

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SECTION 602 HEATING FACILITIES

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602.1 Facilities Required. No changes.

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602.2 Residential Occupancies. Deleted. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

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Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

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602.3 Heat Supply. Interior space intended for human occupancy shall have active or passive space-heating systems capable of maintaining a minimum indoor temperature of 68°F (20°C). No portable space heaters shall be used to achieve compliance with this section.

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~~Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from [to [to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.~~

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Exceptions:

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1. ~~When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.~~
 2. ~~In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.~~

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602.4 Occupiable Work Spaces. Deleted. Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from [Date] to [Date] to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

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Exceptions:

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1. ~~Processing, storage and operation areas that require cooling or special temperature conditions.~~
 2. ~~Areas in which persons are primarily engaged in vigorous physical activities.~~

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602.5 Room Temperature Measurement. No changes.

1 **SECTION 603**
2 **MECHANICAL EQUIPMENT**

3 **603.1 – 603.6** No changes.

4 **SECTION 604**
5 **ELECTRICAL FACILITIES**

6 **604.1 – 604.3.2.1** No changes.

7 **SECTION 605**
8 **ELECTRICAL EQUIPMENT**

9 **605.1 – 605.2** No changes.

10 **605.2.1 Non-grounding-type electrical receptacles (two-prong receptacles).** Where
11 attachment to an equipment grounding conductor (two-wire circuits) does not exist in the
12 receptacle enclosure, the installation shall comply with 1, 2 or 3 below.

- 13 1. A two-prong receptacle shall be permitted to be replaced with another two-
14 prong receptacle.
- 15 2. A two-prong receptacle may be replaced with a ground-fault circuit
16 interrupter-type (GFCI) three-prong receptacle. These receptacles shall be
17 marked “No Equipment Ground.” An equipment grounding conductor shall
18 not be connected from the GFCI-type receptacle to any outlet supplied from
19 the GFCI-type receptacle.
- 20 3. A two-prong receptacle may to be replaced with a three-prong, grounding-
21 type receptacle where supplied through a GFCI device. Three-prong,
22 grounding-type receptacles, supplied through the GFCI shall be marked
23 “GFCI Protected” and “No Equipment Ground.” An equipment grounding
24 conductor shall not be connected between the grounding-type receptacles.

25 **605.3 Luminaires.** Deleted: Every public hall, interior stairway, toilet room, kitchen, bathroom,
26 ~~laundry room, boiler room and furnace room shall contain at least one electric luminaire.~~

27 **605.4 Branch Circuits in Buildings with More Than One Occupancy.** Each occupant shall
28 have ready access to all circuit breakers protecting the conductors supplying that occupancy.

29 **605.5 Flexible Cord Uses Not Permitted.** Flexible cords and cables shall not be used:

- 30 1. As a substitute for the fixed wiring of the structure.
- 31 2. Where run through holes in walls, structural ceilings, suspended ceilings, dropped
32 ceilings or floors.
- 33 3. Where run through doorways, windows, or similar openings.

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SECTION 606
ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the ~~code official~~ State of Colorado. The inspection and tests shall be performed at not less than the periodic intervals ~~listed in ASME A17.1, Appendix N, except where otherwise specified as~~ required by the authority having jurisdiction. State of Colorado.

606.2 Elevators. No changes.

SECTION 607
DUCT SYSTEMS

607.1 General. No changes.

SECTION 608
CARBON MONOXIDE ALARMS

608.1 General. Carbon monoxide alarms shall be installed in existing residential structures in accordance with Colorado state law, including Title 38, Article 45, Carbon Monoxide Alarms, C.R.S.

608.2 Carbon Monoxide Alarms. Carbon monoxide alarms shall be installed in existing dwellings and rented single and multi-family dwellings that have fuel fired heaters, appliances or fireplaces or attached garages based on the following:

1. Alarms must be installed within 15' of the entrance to each sleeping area and must be wired to AC power, connected to an electrical panel, plugged into an electrical outlet without a switch or, if battery operated, attached to the wall or ceiling per the manufacturer's installation instructions and in accordance with National Fire Protection Association 70.
2. Alarms must be installed in existing rental dwellings upon change of tenant occupancy after July 1, 2009.
3. Alarms must be installed in all newly constructed or renovated single family and multi-family rental units.
4. Alarms may be installed within 25' of any fuel-fired heater or appliance, fireplace or garage entrance in a multi-family dwelling used for rental purposes ONLY if the multi-family dwelling is equipped with a centralized alarm system or other mechanism that allows a responsible person to hear the alarm at all times (commercially monitored system).

5. Rental owners are responsible for replacing non-functioning carbon monoxide alarms upon written request of the tenant or when the unit is being vacated and re-rented.

6. Carbon monoxide detectors shall not be disarmed, removed or have the batteries removed to make them inoperable.

608.3 Carbon Monoxide Alarm Inspections. Carbon monoxide alarm inspections shall be conducted by the property owner or agent as detailed below.

1. Carbon monoxide alarms that receive their primary power from the building wiring shall be checked for good operating condition once each year and supplied with battery backup. The battery shall be replaced as necessary for proper function of the carbon monoxide alarm.

2. Battery-powered carbon monoxide alarms shall be tested for proper function on an annual basis. Batteries shall be replaced as necessary for proper function of the carbon monoxide alarm.

CHAPTER 7 FIRE SAFETY REQUIREMENTS

SECTION 701 – 703 No changes

SECTION 704 FIRE PROTECTION SYSTEMS

704.1 – 704.4 No changes.

704.5 Residential Rental Smoke Alarms. In R-occupancies governed by chapter 10-3, “Rental Licenses,” B.R.C. 1981, smoke alarms shall be installed and inspected as required in this section.

704.6 Smoke Alarm Inspections. Smoke alarm inspections shall be conducted by the property owner or agent as detailed below.

1. Smoke alarms that receive their primary power from the building wiring shall be checked for good operating condition once each year and if supplied with battery backup, the battery shall be replaced as necessary for proper function of the smoke alarm.

2. Battery-powered smoke alarms shall be tested for proper function on an annual basis. Batteries shall be replaced as necessary for proper function of the smoke alarm.

1 **704.7 Fire Alarms.** Fire alarms in existing residential structures shall be installed in accordance
2 with chapter 10-8, section 907.3, "Fire Prevention Code," B.R.C. 1981.

3 **SECTION 705**
4 **PORTABLE FIRE EXTINGUISHERS**

5 **705.1 Where Required.** Portable fire extinguishers shall be installed as required by the City of
6 Boulder Fire Code Section 906.

7 **705.1.1.** In new and existing R-1, R-2 and R-4 occupancies, portable fire extinguishers
8 need only be installed when interior corridors and common areas exist in accordance with
9 section 903.1 and table 906.3 (1) for light (low) hazard occupancies and sections 903.6
10 through 906.9.

11 **APPENDIX A**
12 **BOARDING STANDARD**

13 **A101 – A103** No changes.

14 **APPENDIX B**
15 **RENTAL HOUSING INSPECTION AND LICENSING**

16 **B101 Scope.** Appendix B sets standards for administering the rental housing maintenance,
17 inspection and licensing process.

18 **B102 Rental Licenses.** Residential rental licenses are applied for and renewed in accordance
19 with chapter 10-3, "Rental Licenses," B.R.C. 1981.

20 **B103 Inspections.** "Baseline" and "Renewal inspections" shall be performed and certified by
21 licensed contractors as detailed in chapter 4- 4, "Building Contractor License," B.R.C. 1981.

22 **Section 2.** Every reference in the B.R.C. 1981 to chapter 10-2, "Housing Code," B.R.C.
23 1981 is amended to read, chapter 10-2, "Property Maintenance Code," B.R.C. 1981.

24 **Section 3.** This ordinance shall take effect January 3, 2011.

25 **Section 4.** This ordinance is necessary to protect the public health, safety, and welfare of
26 the residents of the city, and covers matters of local concern.
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Section 5. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
TITLE ONLY this 1st day of June 2010.

Mayor

Attest:

City Clerk on behalf of the
Director of Finance and Record

READ ON SECOND READING, AMENDED, AND ORDERED PUBLISHED BY
TITLE ONLY this 7th day of September, 2010.

Mayor

Attest:

City Clerk on behalf of the
Director of Finance and Record

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2 READ ON THIRD READING, PASSED, ADOPTED AND ORDERED PUBLISHED
3 BY TITLE ONLY this 21st day of September, 2010.
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Mayor

7 Attest:

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City Clerk on behalf of the
10 Director of Finance and Record
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ORDINANCE NO. 7725

AN ORDINANCE AMENDING SECTION 4-20-18, "RENTAL LICENSE FEE," AND CHAPTER 10-3, "RENTAL LICENSES," B.R.C. 1981, TO PROVIDE FOR COMPREHENSIVE ENFORCEMENT OF CHAPTER 10-2, "PROPERTY MAINTENANCE CODE," B.R.C. 1981, THROUGH A SYSTEM OF RENTAL LICENSES FOR ALL DWELLING AND ROOMING ACCOMMODATIONS IN THE CITY RENTED TO TENANTS AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. Section 4-20-18, B.R.C. 1981 is amended to read:

4-20-18. Rental License Fee.

The following fees shall be paid before the city manager may issue a rental license or renew a ~~renewed~~-rental license:

- (a) Dwelling and Rooming Units: ~~\$46.00~~ \$70.00 per building.
- (b) Accessory Units: ~~\$46.00~~ \$70.00 per unit.
- (c) To cover the cost of investigative inspections, the city manager will assess to owners or operators a \$250.00 fee per inspection, where the city manager has performed an investigative inspection to ascertain compliance with or violations of this chapter.

Section 2. Section 10-1-1, B.R.C. 1981 is amended as follows:

10-1-1 Definitions.

...

"Baseline inspection" as used in chapter 10-3, "Rental Licenses," B.R.C. 1981, means a physical inspection of a dwelling unit performed by a qualified city-licensed rental housing inspector ~~contractor~~ for the purpose of determining compliance with all required items specified on a rental housing inspection checklist developed by the city manager based on the requirements of chapter 10-2, "Housing Code, Property Maintenance Code," B.R.C. 1981, ~~and provided by the manager to property owners, tenants, housing inspectors and the public upon request. The safety inspection is a component of every baseline inspection.~~

1 ...

2 “~~Safety inspection~~Renewal inspection” means, with respect to any rental housing
3 unit covered by a current rental license, an inspection a combined report of the
4 physical and functional condition of all fuel burning appliances and their
5 appurtenances and a tune-up of those appliances made performed by a qualified
6 heating maintenance person- city-licensed contractor for the purpose of
7 determining compliance with all required items specified on a rental housing
8 renewal inspection checklist that are likely to become noncompliant over time,
9 based on the requirements of chapter 10-2, "Property Maintenance Code,"
10 chapters 3 through 7 section 10-2-10, "Mechanical and Heating Standards,"
11 B.R.C. 1981, and a report on the condition and location of all smoke detectors
12 required by this title and a trash removal plan meeting the requirements of
13 subsection 6-3-3(b), B.R.C. 1981, made and verified by the owner or operator, on
14 a checklist form developed by the city manager based on these requirements and
15 provided by the manager to property owners, tenants, housing inspectors, and the
16 public upon request.

17 Section 3. Chapter 10-3, B.R.C. 1981 is amended to read:

18 **Chapter 10-3 Rental Licenses**

19 **10-3-1 Legislative Intent.**

20 This chapter provides for comprehensive enforcement of chapter 10-2, "~~Housing~~ “Property
21 Maintenance Code," B.R.C. 1981, by establishing a system of rental licenses for all dwelling and
22 rooming accommodations in the city that are rented to tenants.

23 **10-3-2 Rental License Required ~~Prior to~~ Before Occupancy and License Exemptions.**

24 (a) No operator shall allow any person to occupy any rental property as a tenant or lessee or
25 otherwise for a valuable consideration unless each room or group of rooms constituting
26 the rental property has been issued a valid rental license by the city manager.

27 (b) Buildings, or building areas, described in one or more of the following paragraphs are
28 exempted from the requirement to obtain a rental license from the city manager.

(1) Any dwelling unit occupied by the owner, or members of the owner's family and
housing no more than two roomers who are unrelated to the owner or the owner's
family.

(2) A dwelling unit meeting all of the following conditions:

(A) The dwelling unit constitutes the owner's principal residence;

(B) The dwelling unit is temporarily rented by the owner for a period of time
no greater than twelve consecutive months in any twenty-four-month
period;

- (C) The dwelling unit was occupied by the owner immediately ~~prior to~~ before its rental;
- (D) The owner of the dwelling unit is temporarily living outside of Boulder County; and
- (E) The owner intends to re-occupy the dwelling unit upon termination of the temporary rental period identified in subparagraph (b)(2)(B) of this section.
- (3) Commercial hotel and motel occupancies which offer lodging accommodations primarily for periods of time less than thirty days, but bed and breakfast facilities are not excluded from rental license requirements.
- (4) Common areas and elements of buildings containing attached, but individually owned, dwelling units.

10-3-3 Terms of Rental Licenses.

(a) License terms shall be as follows:

- (1) ~~Rental licenses~~ Licenses, other than reduced term licenses issued ~~pursuant to~~ under section 10-3-4, "Reduced Term Rental License," B.R.C. 1981, ~~or~~ temporary licenses issued ~~pursuant to~~ under section 10-3-9, "Temporary Rental License Appeals," B.R.C. 1981, shall expire four years from issuance or accessory dwelling unit or owner's accessory unit licenses governed by paragraph (a)(2) when ownership of this section, shall be valid until the licensed property is sold unless transferred

(A) ~~The license is revoked; or~~

(B) The In addition to any other applicable requirements, new licenses and renewals shall require that the licensee fails to submit to the city manager a completed current safety inspection baseline (for a new license) or renewal inspection report, on forms provided by the city, within four years from the date of initial license issuance and within each successive four-year period thereafter. The safety inspection baseline and renewal inspection report shall:

(i) ~~In t~~ The section of the report concerning fuel burning appliances must be executed by a qualified heating maintenance person certifying compliance with those portions of subsection 10-2-10(e), B.R.C. 1981, for which the report form requires inspection and certification.

(ii) ~~In t~~ The section of the report concerning smoke detectors, is and carbon monoxide alarms must, be executed by the operator certifying that the ~~operator~~ owner or agent inspected the smoke ~~detectors and carbon monoxide alarms~~ in the licensed property and that they complied with the requirements of chapter 10-2, "~~Housing~~ Property Maintenance Code," B.R.C. 1981.

(iii) ~~In the~~ The section of the report concerning trash removal must be executed by the operator certifying that the operator has a current valid contract with a commercial trash hauler for removal of accumulated trash from the licensed property in accordance with subsection 6-3-3(b), B.R.C. 1981.

(2) ~~Accessory dwelling units, as defined in section 9-16-1, "General Definitions," B.R.C. 1981, and owner's or accessory units as defined in section 9-16-1, "General Definitions," pursuant to subsection 9-8-5(b), B.R.C. 1981, twelve months have terms of four years~~ from the date of license application for newly constructed units or from the date of prior license expiration for units for which the operator is renewing an unexpired ~~rental~~ license.

(3) Reduced term licenses: as specified in section 10-3-4, "Reduced Term License," B.R.C. 1981

(b) The city manager shall issue separate ~~rental~~ licenses for individual buildings. Such licenses shall cover all dwelling units and rooming units within such buildings. In a building containing attached but individually owned dwelling units, or any other dwelling units which may be separately conveyed, the city manager shall issue separate ~~rental~~ licenses for each dwelling unit. A structure, or group of structures, shall be considered to be a single building if it has been assigned a single street address by the city. If a complex of buildings on one property is under common ownership, and this owner is willing to have a common expiration date for the ~~rental~~ licenses for all dwelling and rooming units, the city manager may consider the whole complex to be the equivalent of a single building for the purposes of licensing and the fee schedule in section 4-20-18, "Rental License Fee," B.R.C. 1981.

(c) Whenever an existing ~~rental~~ license is ~~being~~ renewed, the renewal license shall be effective from the date of expiration of the last ~~rental~~ license if the applicant submits a complete renewal application by or within 90 days after the expiration date, unless the operator provides documentation satisfactory to the city manager, or an affidavit subject to the law against perjury, that no portion of the subject property was rented during any of the time between expiration of the old rental license and issuance of the new rental license, in which case the renewal license shall be effective as of the date of issuance. Licenses not renewed within 90 days will be considered expired, requiring a new baseline inspection report.

10-3-4 Reduced Term Rental License.

(a) The city manager shall issue a reduced term ~~rental~~ license whenever the city manager determines that violations of chapter 10-2, "~~Housing Code~~ Property Maintenance Code," B.R.C. 1981, revealed during an inspection, individually or in combination, demonstrate a failure to maintain the rental property in a safe, sanitary, and clean condition so that the dwelling endangers the health and safety of the occupants, ~~including, without limitation,~~

violations of section 10-2-3, "Unfit Dwellings and Vacation Thereof," B.R.C. 1981, involving property unfit for human habitation, and subsections 10-2-7(a), B.R.C. 1981, involving open sewage, 10-2-7(b), B.R.C. 1981, involving use of a lavatory as a kitchen sink, 10-2-17(e), B.R.C. 1981, involving blocked chimney flues, and 10-2-20(b), B.R.C. 1981, involving cockroaches, or if the city manager determines that there is or has been a violation of a limitation on numbers of occupants or numbers of dwelling units found in title 9, "Land Use Code," B.R.C. 1981, which demonstrates a failure to maintain the rental property in compliance with that title.

(1) For violations of chapter 10-2, "~~Housing Code~~ Property Maintenance Code," B.R.C. 1981, the ~~rental~~ license term shall be reduced to twenty four months.

(2) For violations of title 9, "Land Use Code," B.R.C. 1981, the ~~rental~~ license term shall be reduced to twelve months.

(b) If ~~a person~~ an operator disagrees with the decision of the city manager to issue a reduced term ~~rental~~ license under subsection (a) of this section, such person may appeal the city manager's decision within thirty days after the issuance of the reduced term license, as follows:

(1) For reduced term licenses issued as a result of violations of ~~the provisions of~~ chapter 10-2, "~~Housing Code~~ Property Maintenance Code," B.R.C. 1981, the appeal shall be made as provided in chapter 10-2, section 111 10-2-5, "Means of Appeal ~~Appeals and Variances~~," B.R.C. 1981.

(2) For reduced term licenses issued as a result of violations of ~~the provisions of~~ title 9, "Land Use Code," B.R.C. 1981, the appeal shall be made to the board of zoning adjustment, although the fee amount shall be as specified for an appeal to the board of building appeals.

10-3-5 ~~Rental~~ License Procedure for Newly Constructed Rental Property.

~~Inspections~~ Baseline inspections to determine compliance with the provisions of chapter 10-2, "~~Housing Code~~," B.R.C. 1981, are not required ~~prior to~~ before issuance of the first rental license for newly constructed rental property if a ~~rental~~ license application is submitted ~~no later than~~ by or within sixty days one year from after the date of issuance of the first certificate of occupancy or temporary certificate of occupancy, ~~in which case payment of license fees is not required.~~

10-3-6 ~~Rental~~ License Application Procedure for Buildings ~~Being~~ Converted to Rental Property.

Every operator ~~of a property who is converting the~~ a property to rental property shall follow the procedures in this section for procuring a rental license:

(a) Submit a written application for a ~~rental~~ license to the city, on official city forms provided for that purpose, at least thirty days ~~prior to~~ before rental of the property;

1. A rental housing inspector's certification of baseline inspection. The operator shall make a copy of the inspection form available to city staff and tenants of inspected units within 14 days of a request;

2. A report on the condition and location of all smoke and carbon monoxide alarms required by Chapter 10-2 made and verified by the owner or operator; and

3. A trash removal plan meeting the requirements of subsection 6-3-3(b), B.R.C. 1981 made and verified by the owner or operator;

(b) Pay all license fees prescribed by section 4-20-18, "Rental License Fee," B.R.C. 1981, at the time of ~~submittal of~~ submitting the rental license application.

(c) ~~Cause an inspection of the property to be conducted at the operator's expense by a rental housing inspector licensed by the city for such work, and cause the inspector to return to the city manager, in the form provided by the manager, a certification of baseline inspection report, showing compliance with chapter 10-2, "Housing Code," B.R.C. all applicable requirements, 1981, within 12 months before the application. The operator shall make a copy of the inspection checklist available to city staff and tenants of inspected units within 14 days of a request.~~

(d) Take all reasonable steps to notify any occupants of the property in advance of the date and time of the ~~housing code~~ inspection. The operator, or an agent of the operator other than the inspector or any tenant of the unit, shall be present and accompany the inspector throughout the inspection, unlocking and opening doors as required.

10-3-7 Rental License Renewal Procedure for Buildings Occupied as Rental Property.

Every operator of a rental property shall follow the procedures in this section when renewing an unexpired ~~rental~~ license:

(a) Pay all license fees prescribed by section 4-20-18, "Rental License Fee," B.R.C. 1981, ~~prior to~~ before the expiration of the existing license.

(b) ~~Cause an inspection of the property to be conducted at the operator's expense by a rental housing inspector licensed by the city for such work, and cause the inspector to return to the city manager, in on the forms provided by the manager;~~

1. A rental housing inspector's certification of ~~safety inspection~~ renewal inspection within 12 months before application. The operator shall make a copy of the inspection form available to city staff and tenants of inspected units within 14 days of a request;

2. ~~report showing compliance with all applicable requirements chapter 10-2, "Housing Code," B.R.C. 1981, as of a date no more than sixty nor less than fifteen days before the date of expiration of the existing license within 12 months before~~

1 ~~application. The operator shall make a copy of the inspection checklist available~~
2 ~~to city staff and tenants of inspected units upon written request within 14 days of a~~
3 ~~request. A report on the condition and location of all smoke and carbon monoxide~~
4 ~~alarms required by Chapter 10-2 made and verified by the owner or operator; and~~

5 3. A trash removal plan meeting the requirements of subsection 6-3-3(b), B.R.C.
6 1981 made and verified by the owner or operator.

- 7 (c) Take all reasonable steps to notify in advance all tenants of the ~~rental~~ property of the date
8 and time of the ~~scheduled housing code~~ inspection. The operator, or an agent of the
9 operator other than the inspector or any tenant of the unit, shall be present and accompany
10 the inspector throughout the inspection, unlocking and opening doors as required.

11 **10-3-8 Temporary Rental License.**

12 If the inspection ~~by the rental housing inspector~~ shows that there are violations of chapter 10-2,
13 ~~"Housing Code,"~~ Property Maintenance Code, B.R.C. 1981, in the building, and the operator
14 cannot correct the deficiencies before the housing is to be occupied (in the case of new rental
15 property) or the existing license expires (in the case of a renewal), the operator may apply, on
16 forms specified by the city manager, ~~to the city~~ for a temporary ~~rental~~ license. If the manager
17 finds, based on the number and severity of violations, that such a temporary license would not
18 create or continue an imminent health or safety hazard to the public or the occupants, the
19 manager may issue a temporary ~~rental~~ license. The manager shall specify the duration of the
20 temporary license, ~~which shall be for a period reasonably necessary to make the needed repairs~~
21 ~~and changes. Upon submission to the manager by the operator, receipt of an additional certificate~~
22 ~~of inspection, on forms supplied by the manager, performed by a rental housing inspector,~~
23 ~~showing that correction of the deficiencies have been corrected, and accompanied by an~~
24 ~~additional rental housing license fee, the manager shall issue the rental housing license.~~

25 **10-3-9 Temporary Rental License Appeals.**

26 Any operator denied a temporary ~~rental~~ license, or aggrieved by the period of time allowed for
27 correction, may appeal the denial or the ~~period of time~~ for correction, or both, ~~to the board of~~
28 ~~building appeals within thirty days~~ as provided in chapter 10-2, section 10-2-5111, "Appeals and
Variances," "Means of Appeal," B.R.C. 1981. As to an appeal of the time reasonably required to
correct a violation, the board shall either affirm the city manager's originally prescribed time
period or grant a longer time period to correct the alleged violation.

29 **10-3-10 Time of Rental License Expiration.**

30 Every rental license expires upon the earliest of the following dates:

- 31 (a) The expiration date on the ~~rental~~ license unless temporary authority to rent is allowed
32 under ~~the provisions of~~ section 10-3-8, "Temporary Rental License," B.R.C. 1981, of
33 this chapter;
- 34 (b) Thirty days after the date upon which transfer of ownership of the rental property occurs.
35 However, for purposes of this section and section 10-3-11, "transfer of ownership" shall

not include situations in which a rental property is transferred from ownership by one or more individuals into a ~~Limited~~limited ~~Liability~~liability ~~Company~~company form of ownership, ~~and when~~ if all of the following conditions exist:

- (1) At least one transferring owner is a member of the ~~Limited~~limited ~~Liability~~liability ~~Company~~company;
 - (2) No exchange of consideration takes place as a condition of the transfer; and
 - (3) The transferring owners certify on forms approved by the city manager that there will be no significant change in the persons who manage the rental property or, in the alternative, in the persons who are responsible for managing the rental property.
- (c) The effective date of any order or notice to vacate the rental property issued under any provision of law;
- (d) The expiration of the temporary certificate of occupancy for the rental property if a permanent certificate of occupancy has not been issued; or
- (e) The revocation of the certificate of occupancy for the rental property.

10-3-11 Change of Rental Property Ownership, ~~or Agent,~~ and Rental License Transfer.

- (a) ~~Upon~~ Within sixty days after transfer of ownership of ~~the a~~ property for which a rental there is a current and valid license ~~has been issued and is still current and valid at time of transfer,~~ the new operator of the property shall apply for a ~~rental~~new license ~~within thirty days after the date of transfer of ownership of the rental property.~~ The new operator shall:
- (1) Submit all license fees prescribed by section 4-20-18, "Rental License Fee," B.R.C. 1981, with the application.
 - (2) ~~Cause~~ Submit, in the form provided by the city manager, a certification of baseline inspection ~~of report for the property to be,~~ conducted at the operator's expense by a rental housing inspector licensed by the city for such work, ~~and cause the inspector to return to the city manager, in the form provided by the manager, a certification of inspection showing compliance with chapter 10-2, "Housing Code," B.R.C. 1981, as of a date no more than sixty days before the date of expiration of the existing license.~~ all applicable requirements.
 - (3) Take all reasonable steps to notify all tenants of the ~~rental~~ property of the date and time of the scheduled ~~housing code~~ inspection. The operator, or an agent of the operator other than the inspector or any tenant of the unit, shall ~~be present and~~ accompany the inspector throughout the inspection, unlocking and opening doors as required.
- (b) ~~No~~ Within thirty days after transfer of ownership or change of local agent of a licensed property, the operator shall ~~transfer the ownership, or change the local agent, of a rental property for which a rental license is required, without notifying~~ notify the city manager of the identity and mailing address of the ~~buyer~~new owner or new local agent ~~within fifteen days after the transfer of the property or change of agent.~~

1
2 **10-3-12 Rental License Fees.**

- 3 (a) Applicants for any rental housing license, and operators ~~who are~~ renewing an existing
4 rental housing license, shall pay the license fees prescribed by section 4-20-18, "Rental
5 License Fee," B.R.C. 1981, upon submission of any ~~rental housing~~ license application.
- 6 (b) If an operator of rental property legally changes the use of a structure by adding units for
7 which such operator receives a ~~rental~~ license under this chapter separate from the ~~rental~~
8 license for the remainder of the rental property, the operator shall apply for a single rental
9 license to cover the entire property no later than thirty days before the expiration date of
10 the ~~rental~~ license that first expires. There shall be no additional fee assessed for the
11 dwelling units or rooming units that were added to the structure at the time the separate
12 ~~rental~~ licenses are consolidated.
- 13 (c) If an operator of rental property reduces the number of dwelling units or rooming units
14 within a rental property, the operator is not entitled to a refund of any fee previously paid.
- 15 (d) The city manager shall charge no license fee for the following rental dwelling units, so
16 long as such units have also been individually certified to the city manager as low income
17 rental property by the housing authority of the City of Boulder, and such certification is
18 valid at the time the fee would otherwise be due:
- 19 (1) Units owned by or leased and operated by the housing authority of the City of
20 Boulder;
 - 21 (2) Units owned by or leased and operated by an entity which has a current valid tax
22 status determination by the United States Internal Revenue Service as a section
23 501(c)(3) tax exempt organization and such units are permanently affordable, as
24 that term is defined in chapter 9-14~~16~~, "~~Residential Growth Management System~~
Definitions," B.R.C. 1981; or
 - 25 (3) Units covered by an assistance payment contract ~~pursuant to~~ under 49 U.S.C.
26 1437(b), "Lower-income housing assistance - authorization for contracts for
27 assistance payments for existing dwellings."
 - 28 (4) If a housing complex under common ownership operates a fixed number or
percentage of units as qualifying units under this subsection, but the individual
units occupied by low income tenants vary over time, the license and fee waiver
allowed by this subsection shall be applied pro rata to the total amount.

24 **10-3-13 ~~Posting~~ Availability of Rental License.**

25 No operator who holds a rental license shall fail to make the rental license available to anyone
26 within 72 hours of receiving a request. post the license, or a true copy thereof, conspicuously
27 upon the premises for which such license has been issued. Posting of a rental license at the
rental property is not required.

1 **10-3-14 Local Agent Required.**

2 Whenever any rental property is required to be licensed under this chapter, and neither the owner
3 nor the operator is a natural person domiciled within Boulder County, Colorado, the owner shall
4 appoint a natural person who is domiciled within Boulder County, Colorado, to serve as the local
5 agent of the owner and the operator for service of such notices as are specified in chapter 10-2,
6 section 108, "Unsafe Structures and Equipment," and section 109, "Emergency Measures,"
7 B.R.C. 1981, and notices given to the local agent shall be sufficient to satisfy any requirement of
8 notice to the owner or the operator. The owner shall notify the city manager in writing of the
9 appointment within five days of being required to make such an appointment, and shall thereafter
10 notify the city manager of any change of local agent within fifteen days of such change.

11 **10-3-15 City Manager May Order Premises Vacated.**

- 12 (a) Whenever the city manager determines that any rental housing is in violation of this
13 chapter or of chapter 10-2, "~~Housing Code,~~" Property Maintenance Code, B.R.C. 1981,
14 and has caused a summons and complaint requiring the operator to appear in municipal
15 court to answer the charge of violation to issue, and the summons cannot be served upon
16 the operator despite reasonable efforts to do so, or, having been served, the operator has
17 failed to appear in the municipal court to answer the charges or at any other stage in the
18 proceedings, or, having been convicted or entered a plea of guilty or no contest, the
19 operator has failed to satisfy the judgment of the court or any condition of a deferred
20 judgment, then the city manager may, after thirty days' notice and an opportunity for a
21 hearing to the tenants and the operator, require that the premises be vacated, and not be
22 reoccupied until all of the requirements of the ~~housing code~~ Property Maintenance Code
23 and the rental licenses code have been satisfied and a rental housing license is in effect.
24 No person shall occupy any premises as a tenant after ~~that person receives~~ receiving
25 actual or constructive notice that the premises have been vacated under this section.
- 26 (b) Any notice required by this section to be given to an operator is sufficient if sent by first
27 class or certified mail to the address of the last known owner of the property as shown on
28 the records of the Boulder County Assessor as of the date of mailing. Any notice to the
tenant required by this section ~~to be given to a tenant~~ is sufficient if sent by first class or
certified mail to or delivered to any occupant at the address of the premises and directed
to "All Tenants."
- (c) The remedy provided in this section is cumulative and is in addition to any other action
the city manager is authorized to take.

1 **10-3-16 Administrative Remedy.**

- 2 (a) If the city manager finds that a violation of any provision of this chapter or chapter 10-2,
3 "~~Housing Code,~~" Property Maintenance Code, B.R.C. 1981, exists, the manager, after
4 notice to the operator and an opportunity for hearing under the procedures prescribed by
5 chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, may take any one or more of the
6 following actions to remedy the violation:

- (1) Impose a civil penalty according to the following schedule:
- (A) For the first violation of the provision, \$150.00;
 - (B) For the second violation of the same provision, \$300.00; and
 - (C) For the third violation of the same provision, \$1,000.00;
- (2) Revoke the rental license; and
- (3) Issue any order reasonably calculated to ensure compliance with the provisions of this chapter and chapter 10-2, "~~Housing Code~~," Property Maintenance Code." B.R.C. 1981.
- (b) If notice is given to the city manager by the operator at least forty-eight hours before the time and date set forth in the notice of hearing on any violation that the violation has been corrected, the manager will reinspect the building. If the manager finds that the violation has been corrected, the manager may cancel the hearing.
- (c) The city manager's authority under this section is in addition to any other authority the manager has to enforce this chapter, and election of one remedy by the manager shall not preclude resorting to any other remedy as well.
- (d) ~~If any person fails or refuses to pay when due any charge imposed under this section, the~~ The city manager may, in addition to taking other collection remedies, certify due and unpaid charges to the Boulder County Treasurer for collection as provided by section 2-2-12, "City Manager May Certify Taxes, Charges, and Assessments to County Treasurer for Collection," B.R.C. 1981.
- (e) To cover the costs of investigative inspections, the city manager will assess owners or operators a \$250.00 fee, per inspection, where the city manager performs an investigative inspection to ascertain compliance with or violations of this chapter.

10-3-17 Penalty.

- (a) The penalty for violation of any provision of this chapter is a fine of at least \$500.00 and not more than \$2,000.00 per violation, or incarceration for not more than ninety days in jail, or both such fine and incarceration. In addition, upon conviction of any person for violation of this chapter, the court may issue a cease and desist order and any other orders reasonably calculated to remedy the violation. Violation of any order of the court issued under this section is a violation of this section and is punishable by a fine of not more than \$4,000.00 per violation, or incarceration for not more than ninety days in jail, or both such fine and incarceration.
- (b) It shall be a condition of any deferred prosecution or deferred or suspended sentence under this chapter that the defendant commit no violations of this chapter for at least one year from the date of such deferred prosecution or deferred or suspended sentence.

1 (c) Notwithstanding paragraph (a) of this section, the following specific sentencing
2 considerations shall apply to fines imposed for violations:

3 (1) The court shall consider any evidence presented by the defendant that a potential
4 fine would be confiscatory. A confiscatory fine is a fine that would deprive a
5 normally capitalized owner of the ability to continue operating a rental housing
6 business of the sort involved in the case before the court. No fine that is
7 confiscatory shall be enforced by the court.

8 (2) In imposing a fine in any single case or in any consolidated cases, the court may
9 weigh all factors normally and properly considered in connection with the
10 imposition of fines, including the seriousness of the violation, the past record of
11 the defendant, the economic circumstances of the defendant and all mitigating or
12 aggravating factors relevant to the violation or to the defendant. In addition, in
13 determining the amount of any fine, the court may consider:

14 (A) The imposition of a fine that would deprive the defendant of any illegal
15 profit collected because of the occurrence of the violation or violations on
16 the rental housing property;

17 (B) The imposition of a reasonable penalty in addition to any level of fine that
18 is attributable to illegally obtained profit; and

19 (C) The imposition of such additional fine as is determined by the court to
20 constitute a reasonable amount to be suspended in order to ensure
21 compliance with any terms of probation imposed by the court.

22 (d) No fine imposed in a single case alleging multiple dates of violation, nor any fine in
23 consolidated cases alleging multiple days of violation, shall exceed the maximum fine
24 that might be imposed for fifteen separate violations unless the court finds special
25 aggravating circumstances. Where special aggravating factors are at issue, the following
26 procedures shall apply:

27 (1) The defendant shall be entitled to ten days' notice of any special aggravating
28 factors upon which the prosecution intends to rely at the sentencing hearing or
29 about which, based upon evidence previously presented, the court is concerned. If
30 necessary in order to provide such notice, a defendant shall be entitled to a
31 continuance of the sentencing hearing.

32 (2) A judicial finding of the existence of special aggravating factors shall not mandate
33 that the court impose any particular level of fine but will, rather, provide the
34 sentencing court with discretion to determine a fine based upon all the criteria set
35 forth in this subsection.

36 (3) Special aggravating factors, for the purpose of this subsection, shall require a
37 judicial finding of one or more of the following:

1 (A) The violations at issue were flagrant and intentional on the part of the
2 defendant;

3 (B) The defendant, after learning of the violation, failed to attempt corrective
4 action over a sustained period of time; or

5 (C) A fine equivalent to the maximum fine permitted for fifteen separate
6 violations would be inadequate to disgorge the defendant of illegal profits
7 obtained as a consequence of the violations or would be inadequate to
8 ensure that the violation is neither profitable nor revenue neutral for the
9 offender.

10 **10-3-18 Authority to Issue Rules.**

11 The city manager may adopt reasonable rules to implement ~~the provisions of~~ this chapter.

12 **10-3-19 Owner Occupied Designation.**

13 (a) A rental property may be considered “owner occupied” if the occupant certifies to the
14 city as part of the licensing process that the occupant owns an interest in a corporation,
15 firm, partnership, association, organization or any other group acting as a unit that owns
16 the rental property.

17 (b) The definition for “Family”, as used in this chapter, appears in section 9-2-1,
18 “Definitions,” B.R.C. 1981

19 Section 4. This ordinance shall take effect January 3, 2011.

20 Section 5. This ordinance is necessary to protect the public health, safety, and welfare of
21 the residents of the city, and covers matters of local concern.

22 Section 6. The City Council deems it appropriate that this ordinance be published by title
23 only and orders that copies of this ordinance be made available in the office of the city clerk for
24 public inspection and acquisition.
25
26
27
28

1 INTRODUCTION, READ ON FIRST READING, AND ORDERED PUBLISHED BY
2 TITLE ONLY this 1st day of June 2010.

3
4
5 Attest: Mayor

6
7 City Clerk on behalf of the
8 Director of Finance and Record

9 READ ON SECOND READING, AMENDED, AND ORDERED PUBLISHED BY
10 TITLE ONLY this 7th day of September, 2010.

11
12
13 Mayor
14 Attest:

15
16 City Clerk on behalf of the
17 Director of Finance and Record

18
19 READ ON THIRD READING, PASSED, ADOPTED AND ORDERED PUBLISHED
20 BY TITLE ONLY this 21st day of September, 2010.

21
22
23 Mayor
24 Attest:

25
26 City Clerk on behalf of the
27 Director of Finance and Record
28

ORDINANCE NO. 7726

AN ORDINANCE AMENDING CHAPTERS 4-4, "BUILDING CONTRACTOR LICENSE," CHAPTER 4-20, "FEES," CHAPTER 10-1, "DEFINITIONS," CHAPTER 10-2, "PROPERTY MAINTENANCE CODE," AND CHAPTER 10-3, "RENTAL LICENSES," B.R.C. 1981 REGARDING ENERGY CONSERVATION FOR EXISTING RESIDENTIAL RENTAL STRUCTURES, AND SETTING FORTH RELATED DETAILS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. Section 4-4-4, B.R.C. 1981 is amended to read:

4-4-4 Classification of Licenses.

- (a) A Class A license entitles the licensee to contract for the construction, alteration, wrecking, or repair of any type or size of building or structure permitted by the ~~International~~ City of Boulder Building Code-130. The annual fee for a Class A license is that prescribed ~~by~~ in section 4-20-4, "Building Contractor License and Building Permit Fees," B.R.C. 1981.
- (b) A Class B license entitles the licensee to contract for the construction, alteration, wrecking, or repair of all commercial and residential buildings or structures defined as Type V, Type V-1 hour, Type IV, Type II-N, and Type III-N in the ~~International~~ City of Boulder Building Code. The annual fee for a Class B license is that prescribed in section 4-20-4, "Building Contractor License and Building Permit Fees," B.R.C. 1981.
- (c) A Class C license entitles the licensee to contract for:
- (1) The construction, alteration, wrecking, or repair of any R-3 occupancies or of R-1 occupancies, as defined in the ~~International~~ City of Boulder Building Code, chapter 10-5, "Building Code," B.R.C. 1981, of two stories or less not involving reinforced concrete construction; and
 - (2) The repair of non-residential buildings not involving load-bearing structures. But this Class C license does not entitle the holder to contract for construction, alteration, or repair of public buildings or places of public assembly, nor for non-residential projects whose total value of the labor and material exceeds \$5,000.00. The annual fee for a Class C license is that prescribed in section 4-20-4, "Building Contractor License and Building Permit Fees," B.R.C. 1981.
- (d) A Class D license entitles the licensee to contract for labor or for labor and materials involving only one trade, these trades will be identified as listed below:

- D-1. Moving and wrecking of structures
- D-2. Roofing
- D-3. Siding
- D-4. Landscaping, irrigation and site work
- D-5. Detached one-story garage and sheds accessory to single-family dwellings
- D-6. Mobile home installer
- D-7. Elevator and escalator installer
- D-8. Class not identified above but requiring a building permit and inspection
- D-9. Rental housing inspector

A Class D licensee may be licensed to perform more than one such trade. The annual fee for Class D license is that prescribed in section 4-20-4, "Building Contractor License and Building Permit Fees," B.R.C. 1981.

(e) A Class E license entitles the licensee to contract for the building or construction of:

- (1) All fences of any size or value, and
- (2) Minor structures, including, without limitation, sheds of two hundred square feet or less, or for the alteration or repair of other buildings or other structures, if total value of the labor and materials for each such project does not exceed \$2,000.00, the total square footage of each such project does not exceed two hundred square feet, and such work does not involve any load-bearing structure of the building. The annual fee for a Class E license is that prescribed in section 4-20-4, "Building Contractor License and Building Permit Fees," B.R.C. 1981.

(f) A Class F license entitles the licensee to construct, alter, or repair the licensee's own building or structure, if the total value of the labor and material for each such project does not exceed \$500.00 and if the project does not involve alteration of a load-bearing structure or work governed by the city's electrical, mechanical, or plumbing codes.

(g) A Class G license entitles the licensee to inspect prescriptive energy efficiency measures as detailed in the Property Maintenance Code, Appendix C.

Section 2. Section 4-4-5, B.R.C. 1981 is amended to read:

4-4-5 License Application and Qualifications.

(a) An applicant for an initial building contractor license shall:

- (1) Apply on forms furnished by the city manager, provide such information relating to the applicant's competence, education, training, and experience as the manager may require; and pay the fee prescribed in section 4-20-4, "Building Contractor License and Building Permit Fees," B.R.C. 1981;

(2) If applying for a license on or after January 1, 1983, successfully pass an examination designed by the manager to test the applicant's qualification for the category of license requested; and

(3) Provide evidence of insurance coverage required by section 4-1-8, "Insurance Required," B.R.C. 1981.

(b) An applicant for a Class F license need not comply with paragraphs (a)(2) and (a)(3) of this section. An applicant for a Class D-9 license need not comply with paragraph (a)(3) of this section, and the city manager may substitute attendance at a seminar on rental housing inspection given by the city for the examination required by paragraph (a)(2) of this section of D-9 licensees.

(c) An applicant for a Class D-9 license shall show proof of current American Society of Home Inspectors, Inc. or National Association of Home Inspectors Inc.; ~~certification or tested candidate status after passing the ASHI test certification~~, current certification as a combination building inspector by the International Conference of Building Officials or the International Code Council, possession of a current, valid Class A, B, or C general contractor's license, or licensure by the state of Colorado as a qualified design professional (architect or engineer) an architect or mechanical or structural engineer.

(d) An applicant for a Class G license shall show proof of current American Society of Home Inspectors, Inc., or National Association of Home Inspectors, Inc., certification, current certification as a Combination Building Inspector or Commercial or Residential Energy Inspector by the International Code Council, possession of a current, valid City of Boulder Class A, B or C general contractor's license or licensure by the State of Colorado as a qualified design professional (architect or engineer or equivalent qualifications reviewed and approved by the city manager.) All of the above licensees shall also be trained and certified through the City of Boulder to make prescriptive energy efficiency inspections.

Section 3. Section 4-20-4, B.R.C. 1981 is amended to read:

4-20-4 Building Contractor License and Building Permit Fees.

(a) An applicant for a building contractor license shall pay the following annual fee according to the type of license requested:

	Application	Fee
(1)	Class A	\$460.00
(2)	Class B	307.00
(3)	Class C	197.00
(4)	Class D-1 through D-8	153.00
(5)	Class D-9	15.00

	Application	Fee
(6)	Class E	75.00
(7)	Class G	15.00

(b) The fees herein prescribed shall not be prorated.

...

Section 4. Section 10-1-1, B.R.C. 1981 is amended to read:

10-1-1 Definitions.

(a) The following terms used in this title have the following meanings unless the context clearly indicates otherwise:

...

"Energy efficiency requirements inspection" means a physical inspection performed by a class G city-licensed contractor for the purpose of determining compliance with the Prescriptive Energy Efficiency Option under Section C101.2.2.

...

"Permanently affordable unit" has the same meaning as in Chapter 9-13, "Inclusionary Zoning," B.R.C. 1981.

...

"Qualifying carbon offset" means a financial instrument aimed at a reduction in greenhouse gases, purchased from the Colorado Carbon Fund (CCF) or from an alternative fund established by the city. One qualifying carbon offset represents the reduction of one metric ton of carbon dioxide or its equivalent (CO2e) in other greenhouse gases (if purchased from CCF) or another level of reduction specified by any alternative fund established by the city.

...

~~"Safety inspection" means, with respect to any rental housing unit covered by a current rental license, a combined report of the physical and functional condition of all fuel burning appliances and their appurtenances and a tune-up of those appliances made by a qualified heating maintenance person based on the requirements of section 10-2-10, "Mechanical and Heating Standards," B.R.C. 1981, and a report on the condition and location of all smoke detectors required by this title and a trash removal plan meeting the requirements of subsection 6-3-3(b), B.R.C. 1981, made and verified by the owner or operator, on a checklist form developed by the city manager based on these requirements and provided by~~

1 ~~the manager to property owners, tenants, housing inspectors, and the public upon~~
2 ~~request.~~

3 “Renewal inspection” means, with respect to any rental housing unit covered by a
4 current rental license, an inspection performed by a qualified city-licensed
5 contractor for the purpose of determining compliance with all required items
6 specified on a rental housing renewal inspection checklist that are likely to
7 become noncompliant over time, based on the requirements of chapter 10-2,
8 "Property Maintenance Code," B.R.C. 1981.

9 ...

10 Section 5. Section 202, “Property Maintenance Code of the City of Boulder,” as
11 adopted and amended by section 10-2-2, Property Maintenance Code, B.R.C. 1981, is
12 further amended to read as follows:

13 SECTION 202
14 GENERAL DEFINITIONS

15 (No changes except as follows)

16 CODE OFFICIAL. The city manager and any city manager's delegate charged with the
17 administration and enforcement of this code.

18 KITCHEN SINK. A kitchen sink shall be no smaller than twenty inches by sixteen inches, with a
19 minimum uniform depth of six inches and a maximum uniform depth of twenty inches. Laundry
20 tubs, lavatory basins, or bathtubs are not acceptable substitutes for required kitchen sinks.

21 MANUFACTURED HOME. Means a structure, transportable in sections, built on a permanent
22 chassis and designed for use with or without a permanent foundation when connected to the
23 required utilities. The term “manufactured home” includes “modular home” but does not include
24 “recreational vehicle.”

25 TECHNICALLY IMPRACTICAL. Alterations that are unlikely to be accomplished because
26 existing structural conditions or site constraints prohibit practical modifications or addition of
27 elements or features that would attain the energy efficiency requirements of Appendix C of Title
28 10-2, “Property Maintenance Code,” B.R.C. 1981.

Section 6. Section 10-2-1, B.R.C. 1981 is amended to read:

10-2-1 Legislative Intent.

(a) The City Council finds:

(1) Energy efficiency requirements for housing are necessary because:

1 (A) reducing greenhouse gas emissions in existing buildings is imperative to
2 meet the City of Boulder’s sustainability goals;

3 (B) rental housing represents the largest number of existing housing units in
4 the city; and

5 (C) efforts to establish incentives for voluntary energy efficiency retrofits in
6 rental housing have proven to be ineffective.

7 (b) Reducing greenhouse gas emissions has been established as an important public policy
8 objective and mandated by the City of Boulder due to:

9 (1) the well-documented link between reduction of such emissions and current and
10 projected climate change; and

11 (2) the profound public health and safety impacts of such emissions, including but not
12 limited to:

13 (A) increased risk of extreme weather events,

14 (B) increased flood severity,

15 (C) increased risk and intensity of catastrophic wildfire,

16 (D) increased insect invasions causing forest die-offs, and

17 (E) increased risk of drought.

18 (c) The purposes of this chapter ~~is~~ are as follows:

19 (1) to protect the public health, safety and general welfare of the residents of the city
20 by regulating existing residential rental and privately occupied residential
21 structures and to promote conservation and the efficient use of energy;

22 (2) to establish minimum energy efficiency requirements for existing rental and
23 privately occupied housing in the City of Boulder with the goal of reducing
24 greenhouse gas emissions; and

25 (3) to address the unique needs and challenges associated with energy retrofits in
26 existing rental and privately occupied housing.

27 (d) The City Council hereby adopts the 2009 edition of the International Property
28 Maintenance Code as the Property Maintenance Code of the City of Boulder. This
chapter establishes minimum code standards related to: administration; definitions;
general requirements; light, ventilation and occupancy limitations; plumbing facilities
and fixture requirements; mechanical and electrical systems; fire safety requirements;
rental licensing and existing residential rental structure energy conservation.

Section 7. Chapter 10-2, “Property Maintenance Code,” B.R.C. 1981, is amended to add
Appendix C, to read:

1 **Appendix C – Energy Efficiency Requirement**

2 **EXISTING RESIDENTIAL RENTAL STRUCTURES**
3 **ENERGY CONSERVATION**

4 **C101**

5 **SCOPE**

6 **C101.1 Scope.** Appendix C sets standards for residential rental dwelling unit energy efficiency.
7 Effective January 2, 2019, the energy efficiency requirements of this section shall apply to all
8 residential rental dwelling units licensed according to B.R.C. 1981, 10-3-2, Rental licenses
9 except:

- 10 1. Buildings that can be verified as meeting or exceeding the energy efficiency
11 requirements of the Energy Conservation and Insulation Code, Chapter 10-7,
12 B.R.C. 1981.
- 13 2. Any manufactured home.
- 14 3. Accessory Dwelling Units and Attached Owner Accessory Units as detailed
15 in section 9-6-3, “Specific Use Standards Residential Uses.” B.R.C. 1981.

16 **C101.2 Compliance.** The energy efficiency of existing residential rental dwelling units must
17 comply with Section C101.2.1 for performance-based energy efficiency requirements or Section
18 C101.2.2 for prescriptive-based energy efficiency requirements. The code official may grant
19 exceptions as follows:

- 20 1. Innovative Materials: Buildings where equivalent energy efficiency
21 performance through the use of innovative materials, methods and/or
22 equipment in accordance with Section 105 of this code as an alternative to the
23 performance and prescriptive methods. The code official shall determine the
24 relative values and effectiveness of innovative materials, methods and/or
25 equipment in satisfying the intent and purpose of this code.
- 26 2. Historic Buildings: Reasonable alterations and modifications in the award of
27 prescriptive and performance points of this chapter upon a finding by the code
28 official that:
- a. Strict application of the requirements requires an alteration to an
individual landmark or a contributing building within a historic
district established under chapter 9-11, B.R.C. 1981, that would not
be eligible for approval as part of a landmark certificate; or
- b. The purposes of this appendix are otherwise met through such
alterations and modifications; or

1 c. Such alterations or modifications are necessary to remove barriers for
2 permanently affordable housing units.

3 3. Affordable Housing: Rental dwelling units meeting the requirements for a
4 permanently affordable unit, as follows:

5 a. Units weatherized according to state or federal subsidy program
6 standards after September 1994;

7 b. Units eligible for weatherization according to state or federal subsidy
8 program standards that have applied for weatherization service: an
9 exception for one rental license cycle, to reach compliance. The code
10 official may approve additional time to achieve compliance if one
11 rental license cycle is not adequate;

12 c. Units not qualifying for weatherization according to state or federal
13 subsidy programs: an exception for one rental license cycle to achieve
14 compliance. The code official may approve additional time to achieve
15 compliance if one rental license cycle is not adequate.

16 4. Technically Impractical: Buildings where energy efficiency upgrades are
17 technically impractical in accordance with IPMC sec. 105.1. Owners shall
18 demonstrate equivalent code compliance as follows:

19 a. Except as provided below, owners shall make the energy efficiency
20 improvements that are practical and shall purchase, for each rental
21 license cycle, qualifying carbon offsets prorated for the improvements
22 that are impractical.

23 b. If the building is the subject of an application for concept review, site
24 review or a demolition permit, and the application shows that the
25 building will be demolished or substantially remodeled within the
26 next licensing period, the owner need not make energy efficiency
27 improvements, but must purchase, for each rental license cycle,
28 carbon offsets for the improvements not made.

C101.2.1 Performance energy efficiency option. Existing residential rental structures shall
demonstrate energy efficiency compliance by obtaining a minimum Home Energy Rating
System (HERS) index of 120 per rental dwelling unit. A HERS index shall be determined by a
rater accredited by the Residential Energy Services Network (RESNET). For multi-dwelling
rental structures, a HERS index sampling protocol authorized and approved by the code official
may be utilized.

C101.2.2 Prescriptive energy efficiency option. The energy efficiency of residential structures
shall be determined by an energy efficiency inspection score of 100 points as documented on
table C101.2. The applicant shall provide an energy efficiency compliance certificate signed by

1 a licensed and approved contractor per subsection 4-4-4(g), “Building Contractor License,” and
2 section 4-4-5, “License Application and Qualifications,” B.R.C. 1981.

Table 101.2

SmartRegs Prescriptive Pathway

Need 100 Total Points + Mandatory Water Conservation Measures

WALLS Base: Final:

<u>R-VALUE</u>	<u>25%</u>	<u>50%</u>	<u>75%</u>	<u>100%</u>
No Insulation	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
R-3 Continuous (must be at least R-3)	<u>3</u>	<u>6</u>	<u>9</u>	<u>12</u>
R-5 Continuous	<u>4</u>	<u>8</u>	<u>12</u>	<u>15</u>
R-13 or Uninsulated Basement Wall	<u>5</u>	<u>10</u>	<u>15</u>	<u>20</u>
R-19 or Better	<u>5</u>	<u>11</u>	<u>16</u>	<u>21</u>
Shared Wall or Insulated Basement Wall	<u>6</u>	<u>13</u>	<u>19</u>	<u>26</u>

WINDOWS/FENESTRATION Base: Final:

<u>TYPE</u>	<u>25%</u>	<u>50%</u>	<u>75%</u>	<u>100%</u>
Single Metal (1.2 U-Value)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Single Non-Metal ¹ (.95 U-Value)	<u>0</u>	<u>1</u>	<u>1</u>	<u>2</u>
Double Metal (.8 U-Value)	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
Double Non-Metal ¹ (.55 U-Value)	<u>2</u>	<u>3</u>	<u>5</u>	<u>6</u>
0.35 U-Value ¹	<u>3</u>	<u>7</u>	<u>10</u>	<u>13</u>
0.30 U-Value	<u>3</u>	<u>7</u>	<u>10</u>	<u>14</u>
0.25 U-Value or Better	<u>4</u>	<u>7</u>	<u>11</u>	<u>14</u>

¹ *Historically designated properties and properties older than 50 years with wooden window frames that rehabilitate and install storm panels will receive credit at the 0.35 U-Value level.

ATTIC Base: Final:

<u>TYPE</u>	<u>25%</u>	<u>50%</u>	<u>75%</u>	<u>100%</u>
No Insulation	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
R-19	<u>6</u>	<u>12</u>	<u>18</u>	<u>24</u>
R-30	<u>6</u>	<u>13</u>	<u>19</u>	<u>26</u>
R-38 or Better	<u>7</u>	<u>13</u>	<u>20</u>	<u>26</u>
Shared Ceilings	<u>7</u>	<u>14</u>	<u>20</u>	<u>27</u>

INFILTRATION Base: Final:

<u>nACH</u>	<u>POINTS</u>
1.20 nACH or Less	<u>2</u>
0.75 nACH	<u>4</u>
0.50 nACH	<u>6</u>
0.35 nACH or Less (ventilate per ASHRAE 62.2)	<u>7</u>

SLAB ON GRADE				
TYPE	25%	50%	75%	100%
Slab Edge: R-0	<u>2</u>	<u>3</u>	<u>5</u>	<u>6</u>
Slab Edge: R-5	<u>2</u>	<u>4</u>	<u>5</u>	<u>7</u>
Slab Edge: R-10 or Better	<u>2</u>	<u>4</u>	<u>6</u>	<u>8</u>
Slab Edge R-10 plus Under Slab R-10 or Better	<u>3</u>	<u>6</u>	<u>8</u>	<u>11</u>
BELOW GRADE SLAB (Basement Slab)				
Basement Slab	<u>2</u>	<u>4</u>	<u>6</u>	<u>8</u>
FOUNDATION WALLS (Crawlspace)				
R-0	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
R-2	<u>2</u>	<u>3</u>	<u>5</u>	<u>6</u>
R-11	<u>2</u>	<u>4</u>	<u>6</u>	<u>8</u>
R-19 or Better	<u>2</u>	<u>5</u>	<u>7</u>	<u>9</u>
FLOOR				
(Only Available if No Ducts or HVAC Equipment are Located in Uninsulated Crawlspace Below Floor)				
Floor Over Crawl: R-0	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Floor Over Crawl: R-13	<u>3</u>	<u>5</u>	<u>8</u>	<u>11</u>
Floor Over Crawl: R-25	<u>3</u>	<u>6</u>	<u>9</u>	<u>12</u>
Floor Over Crawl: R-38 or Better	<u>4</u>	<u>7</u>	<u>11</u>	<u>14</u>
Shared Floor	<u>4</u>	<u>8</u>	<u>11</u>	<u>15</u>

SLAB / FOUNDATION **Base:** **Final:**

DUCT LEAKAGE **Base:** **Final:**

CFM per 100 SF	POINTS
80 cfm @ 25 Pa	<u>0</u>
60 cfm @ 25 Pa	<u>4</u>
40 cfm @ 25 Pa	<u>9</u>
20 cfm @ 25 Pa	<u>14</u>
10 cfm @ 25 Pa or Less or no ducts (radiant)	<u>17</u>

DUCTS / RADIANT **Base:** **Final:**

LOCATION / INSULATION	25%	50%	75%	100%
Uninsulated Ducts (In Unconditioned Space)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Ducts Insulated to at Least R-4 (In Unconditioned Space)	<u>1</u>	<u>3</u>	<u>4</u>	<u>6</u>
Radiant Heat or Ducts Entirely Within Conditioned Space	<u>2</u>	<u>3</u>	<u>5</u>	<u>7</u>

HEATING **Base:** **Final:**

<u>SPECIFICATION</u>	<u>POINTS</u>
<u>Electric, Oil, or ASHP</u>	<u>0</u>
<u>Gas 65 AFUE or worse</u>	<u>0</u>
<u>Gas 80 AFUE</u>	<u>13</u>
<u>Gas 90 AFUE</u>	<u>17</u>
<u>Gas 96 AFUE</u>	<u>19</u>
<u>GSHP (COP 3.3)</u>	<u>29</u>
<u>GSHP (COP 4.1)</u>	<u>38</u>
<u>GSHP (COP 4.8)</u>	<u>43</u>

COOLING **Base:** **Final:**

<u>SPECIFICATION</u>	<u>POINTS</u>
<u>10 SEER or worse</u>	<u>0</u>
<u>13 SEER</u>	<u>4</u>
<u>15 SEER / Evaporative Cooler / no A/C</u>	<u>6</u>
<u>17 SEER</u>	<u>7</u>
<u>19 SEER / Indirect Evaporative Cooler</u>	<u>8</u>
<u>GSHP (> EER 13.5)</u>	<u>4</u>

FANS **Base:** **Final:**

<u>SPECIFICATION</u>	<u>POINTS</u>
<u>Whole House Fan (In Addition to Cooling Points)</u>	<u>2</u>

LIGHTING **Base:** **Final:**

<u>HIGH- EFFICACY LIGHTING</u>	<u>POINTS</u>
<u>(solar tubes/light tunnels counted as light fixtures)</u>	
<u>0%</u>	<u>0</u>
<u>25%</u>	<u>2</u>
<u>50%</u>	<u>4</u>
<u>75%</u>	<u>6</u>
<u>100%</u>	<u>7</u>

HOT WATER **Base:** **Final:**

<u>SPECIFICATION</u>	<u>POINTS</u>
<u>Electric, Oil or Heat Pump</u>	<u>0</u>
<u>Gas 56 EF</u>	<u>0</u>
<u>Gas 60 EF</u>	<u>1</u>
<u>Gas 64 EF</u>	<u>2</u>

Gas Tankless 82 EF or Better	<u>6</u>
Gas Boiler Side Arm (65 AFUE Boiler)	<u>0</u>
Gas Boiler Side Arm (80 AFUE Boiler)	<u>3</u>
Gas Boiler Side Arm (95 AFUE Boiler)	<u>5</u>

REFRIGERATION **Base:** **Final:**

<u>SPECIFICATION</u>	<u>POINTS</u>
<u>750 kWh</u>	<u>0</u>
<u>650 kWh</u>	<u>2</u>
<u>450 kWh</u>	<u>3</u>
<u>350 kWh or Better</u>	<u>4</u>

SOLAR THERMAL **Base:** **Final:**

<u>SPECIFICATION</u>	<u>POINTS</u>
<u>Points per 20 sq ft of collector surface area</u>	<u>8</u>

PV (includes power purchase agreements and solar leases) or verified subscription in a Community Solar Garden² **Base:** **Final:**

<u>kW</u>	<u>POINTS</u>
<u>Points per kW</u>	<u>44</u>

²Must earn 70 prescriptive pathway points in other categories to be eligible to earn PV points

OCCUPANT **Base:** **Final:**

<u>MEASURE</u>	<u>POINTS</u>
<u>Sub-Metering: Real Time Energy Monitoring Device</u>	<u>1</u>
<u>Programmable Thermostat</u>	<u>1</u>
<u>Provide Operation / Training Manual</u>	<u>1</u>
<u>Tenant Attends Energy Conservation Class</u>	<u>1</u>

OTHER **Base:** **Final:**

<u>MEASURE</u>	<u>POINTS</u>
<u>Heat Pump Desuperheater</u>	<u>1</u>
<u>Electrically Commutated Motor (“ECM”)</u>	<u>3</u>
<u>Passive Solar Design</u>	<u>Discretionary – approved by City of Boulder</u>

<u>Innovative Practice</u>	<u>Discretionary – approved by City of Boulder</u>
<u>Technically Impractical Exception</u>	<u>Carbon Offsets valued at 8 points per ton</u>

Mandatory Water Conservation

Must Earn Two Points Regardless of Whether Performance or Prescriptive SmartRegs Pathway is Chosen

<u>Water Conservation Measure³</u>	<u>Points per Fixture</u>
<u>Low flow showerhead⁵</u>	<u>1</u>
<u>Low flow lavatory faucets⁴</u>	<u>1</u>
<u>Self-closing faucet valves</u>	<u>1</u>
<u>High-efficiency or dual-flush toilet⁶</u>	<u>2</u>
<u>ENERGY STAR washing machine</u>	<u>2</u>
<u>ENERGY STAR dishwasher</u>	<u>2</u>

³ Points earned in this category do not count towards prescriptive 100 point requirement

⁴ The average flow rate for all bathroom faucets must be less than or equal to 1.5 gallons per minute (gpm).

⁵ The average flow rate for all shower heads must be less than or equal to 2.0 gpm.

⁶ The average flow rate for all toilets, including dual-flush toilets, must be less than or equal to 1.28 gpf (gallons per flush). A common dual-flush toilet has a 1.6 gpf and a 0.8 gpf. This makes an average of 1.2, which would qualify.

Definitions of acronyms:

R-value: a measure of thermal resistance used to describe insulation. The bigger the number, the better the insulation's effectiveness.

U-value: the overall heat transfer coefficient, describes how well a building element conducts heat. U-value is the inverse of R-value. The lower the U-value, the better.

nACH: natural air changes per hour

HVAC: Heating, Ventilating and Air Conditioning

cfm: cubic feet per minute

Pa: Pascal; a measure of force per unit area

1 **ASHP:** air source heat pump

2
3 **AFUE:** annual fuel utilization efficiency; the most widely used measure of a furnace's heating efficiency

4 **GSHP:** ground source heat pump

5
6 **COP:** coefficient of performance of a heat pump is the ratio of the change in heat at the "output" (the heat reservoir of interest) to the supplied work

7 **SEER:** seasonal energy efficiency ratio; used to measure the efficiency of air conditioners

8
9 **EF:** energy factor is the ratio of useful energy output from the water heater to the total amount of energy delivered to the water heater. The higher the EF is, the more efficient the water heater

10 **kWh:** kilowatt hour; a unit of energy equal to 1000 watt hours

11 **kW:** kilowatt

12
13
14 **C101.3 Administration and enforcement.** Administration and enforcement of these measures shall be as detailed in Part 2 of this code.

15
16 Section 8. Section 10-3-3, B.R.C. 1981 is amended to read:

17 **10-3-3 Terms of Licenses.**

18
19 (a) License terms shall be as follows:

20 (1) Licenses, other than reduced term licenses issued under section 10-3-4, "Reduced
21 Term Rental License," B.R.C. 1981 or temporary licenses issued under section
22 10-3-9, "Temporary Rental License Appeals," B.R.C. 1981, shall expire four
23 years from issuance or when ownership of the licensed property is transferred.

24 (A) In addition to any other applicable requirements, new licenses and
25 renewals shall require that the licensee submit to the city manager a
26 completed current renewal inspection report, on forms provided by the
27 city. The renewal inspection report shall:

28 (i) In the section of the report concerning fuel burning appliances, be
executed by a qualified heating maintenance person certifying
compliance with those portions of subsection 10-2-10(e), B.R.C.
1981, for which the report form requires inspection and
certification.

- (ii) In the section of the report concerning smoke and carbon monoxide alarms, be executed by the operator certifying that the owner or agent inspected the smoke and carbon monoxide alarms in the licensed property and that they complied with the requirements of chapter 10-2, "Property Maintenance Code," B.R.C. 1981.
- (iii) In the section of the report concerning trash removal, be executed by the operator certifying that the operator has a current valid contract with a commercial trash hauler for removal of accumulated trash from the licensed property in accordance with subsection 6-3-3(b), B.R.C. 1981.
- (2) Accessory dwelling units or accessory units as defined in section 9-16-1, "General Definitions," B.R.C. 1981: four years from the date of license application for newly constructed units or from the date of prior license expiration for units for which the operator is renewing an unexpired license.
- (3) Reduced term licenses: as specified in section 10-3-4, "Reduced Term License," B.R.C. 1981
- (b) The city manager shall issue separate licenses for individual buildings. Such licenses shall cover all dwelling units and rooming units within such buildings. In a building containing attached but individually owned dwelling units, or any other dwelling units which may be separately conveyed, the city manager shall issue separate licenses for each dwelling unit. A structure, or group of structures, shall be considered to be a single building if it has been assigned a single street address by the city. If a complex of buildings on one property is under common ownership, and this owner is willing to have a common expiration date for the licenses for all dwelling and rooming units, the city manager may consider the whole complex to be the equivalent of a single building for the purposes of licensing and the fee schedule in section 4-20-18, "Rental License Fee," B.R.C. 1981.
- (c) Whenever an existing license is renewed, the renewal license shall be effective from the date of expiration of the last license if the applicant submits a complete renewal application by or within 90 days after the expiration date, unless the operator provides documentation satisfactory to the city manager, or an affidavit subject to the law against perjury, that no portion of the subject property was rented during any of the time between expiration of the old license and issuance of the new license, in which case the renewal license shall be effective as of the date of issuance. Licenses not renewed within 90 days will be considered expired, requiring a new baseline inspection report before renewal.
- (d) Issuance of any license (new or renewed) extending beyond December 31, 2018 requires meeting the energy efficiency requirements of Title 10-2, "Property Maintenance Code, Appendix C - Energy Efficiency Requirements," B.R.C. 1981.

Section 9. Section 10-3-4, B.R.C. 1981 is amended to read:

10-3-4 Reduced Term License.

(a) The city manager shall issue a reduced term license whenever the city manager determines that:

(1) violations of chapter 10-2, " Property Maintenance Code," B.R.C. 1981, revealed during an inspection, individually or in combination, demonstrate a failure to maintain the rental property in a safe, sanitary, and clean condition so that the dwelling endangers the health and safety of the occupants, or

(2) ~~if the city manager determines that~~ there is or has been a violation of a limitation on numbers of occupants or numbers of dwelling units found in title 9, "Land Use Code," B.R.C. 1981, which demonstrates a failure to maintain the rental property in compliance with that title; or

(3) the term of an initial license or renewal of an existing license would otherwise extend beyond December 31, 2018 for a property that has not received an "Energy efficiency requirements inspection" demonstrating compliance with chapter 10-2, "Property Maintenance Code, Appendix C - Energy Efficiency Requirements," B.R.C. 1981.

(4A) For violations of chapter 10-2, " Property Maintenance Code," B.R.C. 1981, the license term shall be reduced to twenty four months.

(2B) For violations of title 9, "Land Use Code," B.R.C. 1981, the license term shall be reduced to twelve months.

(C) In case of failure to demonstrate a satisfactory energy efficiency requirements inspection for the subject property, under paragraph (3), above, the license term shall expire December 31, 2018, unless, before that date, the city manager receives an energy efficiency requirements inspection demonstrating compliance, in which case the license term shall extend for the full period otherwise prescribed by this chapter.

(b) If an operator disagrees with the decision of the city manager to issue a reduced term license under subsection (a) of this section, such person may appeal the city manager's decision within thirty days after the issuance of the reduced term license, as follows:

(1) For reduced term licenses issued as a result of violations of chapter 10-2, " Property Maintenance Code," B.R.C. 1981, the appeal shall be made as provided in chapter 10-2, section 111 , "Means of Appeal ," B.R.C. 1981.

(2) For reduced term licenses issued as a result of violations of title 9, "Land Use Code," B.R.C. 1981, the appeal shall be made to the board of zoning adjustment,

1 although the fee amount shall be as specified for an appeal to the board of
2 building appeals.

3 Section 10. Section 10-3-11, B.R.C. 1981 is amended to read:

4 **10-3-11 Change of Rental Property Ownership or Agent.**

5 (a) Within sixty days after transfer of ownership of a property for which there is a current
6 and valid license at time of transfer, the new operator of the property shall apply for a
7 new license . The new operator shall:

8 (1) Submit all license fees prescribed by section 4-20-18, "Rental License Fee,"
9 B.R.C. 1981, with the application.

10 (2) Submit, in the form provided by the city manager, a certification of baseline
11 inspection report for the property, conducted at the operator's expense by a rental
12 housing inspector licensed by the city for such work, showing compliance with all
13 applicable requirements. A rental housing inspector per-licensed under
14 subsections 4-4-4 (g), "Building Contractor License," and 4-4-5 (d), "License
15 Application and Qualifications," B.R.C. 1981 shall complete those portions of the
16 inspection covered in chapter 10-2, Appendix C, "Efficiency Requirements,"
17 B.R.C. 1981.

18 (3) Take all reasonable steps to notify all tenants of the property of the date and time
19 of the scheduled inspection. The operator, or an agent of the operator other than
20 the inspector or any tenant of the unit, shall accompany the inspector throughout
21 the inspection, unlocking and opening doors as required.

22 (b) Within thirty days after transfer of ownership or change of local agent of a licensed
23 property, the operator shall notify the city manager of the identity and mailing address of
24 the new owner or new local agent.

25 (c) Issuance of any licenses extending beyond December 31, 2018 requires meeting the
26 energy efficiency requirements of Title 10-2, "Property Maintenance Code, Appendix C,"
27 "Efficiency Requirements," B.R.C. 1981.

28 Section 11. This ordinance shall take effect January 3, 2011.

Section 12. This ordinance is necessary to protect the public health, safety, and welfare
of the residents of the city, and covers matters of local concern.

Section 13. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
TITLE ONLY this 1st day of June 2010.

Mayor

Attest:

City Clerk on behalf of the
Director of Finance and Record

READ ON SECOND READING, AMENDED, AND ORDERED PUBLISHED BY
TITLE ONLY this 7th day of September 2010.

Mayor

Attest:

City Clerk on behalf of the
Director of Finance and Record

1 READ ON THIRD READING, PASSED, ADOPTED AND ORDERED PUBLISHED
2 BY TITLE ONLY this 21st day of September 2010.
3

4 _____
5 Mayor

6 Attest:

7 _____
8 City Clerk on behalf of the
9 Director of Finance and Record
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ATTACHMENT D

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Wednesday, September 01, 2010 1:32 PM
Subject: SmartsRegs Web Comment Form Submission

name: Dave Rich
category: Interested Resident
comments: Do you know yet how many points will be awarded for installing solar PV. Thanks!

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Tuesday, September 07, 2010 8:03 AM
Subject: SmartsRegs Web Comment Form Submission

name: Jim Healy
category: Landlord
comments: I am writing again to oppose the inactment of the smart regs program. In addition I find it worrisome that while the sole focus of the city and their working groups has been in relation to residential landlords and their tenants the program as worded encompasses all owner occupied housing and commercial buildings as well. While it may be the intent of the city to only apply the regulations to rental housing the passing of this program gives the city the ability to regulate all existing structures including owner occupied housing without having to go back to the public for input. If you are going to pass the program be honest about it and amend it so it is specific to and pertains only to residential rental housing. I do not believe the city has done an adequate job informing the general public how the program will eventually affect them.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Friday, September 10, 2010 2:02 PM
Subject: SmartsRegs Web Comment Form Submission

name: Carmelita Dunham
category: Interested Resident
comments: Residents at Meridian apartments (about a hundred for seniors) have been interested in asking the Meridian to install solar panels on the building. They are wondering whether SmartRegs is including solar panels in its program. I am asking you to let me know the answer to that question.
Thank you.

From: Gichon, Yael
Sent: Monday, September 13, 2010 9:47 AM
Subject: RE: SmartsRegs Web Comment Form Submission

Carmelita,
SmartRegs does include solar panels in the program. Points are awarded for solar panels once a certain level of energy efficiency is met. Please let me know if you have other questions.

Best,
Yael

Yael Gichon
Residential Sustainability Coordinator
Local Environmental Action Division (LEAD)

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Sunday, September 12, 2010 10:16 AM
Subject: SmartsRegs Web Comment Form Submission

name: Kim Schuske
category: Landlord

comments: As with most of the other property owners I'm against implementation of an energy efficient mandate that only impacts rental owners. If you want to truly change the energy use in Boulder then require all property owners to upgrade. We all know that if such a vote was passed current city council members would be voted out of office. If the City of Boulder makes it too difficult on investment property owners don't be surprised if the housing market implodes. I know we will raise rents to cover the costs or consider selling.